

ANCHORAGE, ALASKA
AO NO. 99- 32

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 25.25., SCHOOL SITE SELECTION AND ACQUISITION, BY AMENDING SECTIONS 25.25.040 (CONDITIONS OF ASSEMBLY SITE APPROVAL), 25.25.050 (SCHOOL SITE SELECTION PROCEDURES IN GENERAL) AND 25.25.080 (GENERAL SCHOOL SITE SELECTION CRITERIA); ENACTING A NEW SECTION 25.25.085 TO ESTABLISH STANDARDS, PROCEDURES AND REQUIREMENTS FOR ASSEMBLY SITE APPROVAL OF EXPANSIONS, REDUCTIONS OR OTHER CHANGES IN SIZE AND USE OF APPROVED SCHOOL SITES; AND AMENDING OTHER SECTIONS TO PROVIDE FOR AND IMPLEMENT SUCH CHANGES.

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1. Anchorage Municipal Code subsection 25.25.040 is hereby amended by re-lettering subsections A. through H. as subsections B. through I. and adding a new subsection A. to read as follows:

25.25.040 Conditions of assembly site approval.

A. No school building site, including school site expansion, reduction or material change in the character or purpose of site use, shall be selected by the Assembly unless the Assembly specifically finds on the basis of substantial, credible evidence that:

The Assembly-selected site is suitable for the specific purpose(s), and category of school for which the site is to be used;

2 The Assembly-selected site's surface and subsurface soil and water conditions are reasonably suitable for the specific purpose(s) and category of school for which the site is to be used;

3 The Assembly-selected site does not contain surface or subsurface hazardous waste contamination or that surface or subsurface hazardous waste contamination on the Assembly-selected site is subject to being remediated to an extent that the site will not pose a material danger to public health or safety of the population utilizing the site; and

4 There exists or with a reasonable amount of capital improvements there will exist when on-site and off-site infrastructure facilities and amenities, including but not limited to roadways, sewer, water, electricity, natural gas, telephone and other similar amenities adequate to serve the site and its intended use.

B.[A.] No resolution selecting, approving or designating particular real property as a site for location of a school shall be adopted by the Assembly unless the resolution:

Grants authority and approval to acquire the property within the meaning of section 25.20.020; and

2 Is accompanied by either a certification in compliance with section 6.30.050 that funds are available for the acquisition, or the number and title of action by the school board requesting

2 approval and ratification of an ordinance authorizing the issuance and sale of bonds for the
3 acquisition. The amount set forth in the certification or action of the school board shall be
4 a reasonable estimate of the actual acquisition costs; and

5 3 Declares that, if the Assembly-selected site is contaminated under subsection A.2. of this
6 section, that the owner shall remediate and thereafter convey to the Municipality with a
7 special warranty that such site is free of hazardous waste contamination which poses any
8 material danger to public health or safety of the population utilizing the site.
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10 C.[B.] The designation of a school site and the authority to acquire such site shall expire:

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12 For those acquisitions for which funds are available, if a written agreement for purchase of
13 the site has not been executed by the municipality and the landowner nor a declaration of
14 taking filed within 12 months from the date of approval of the resolution designating the site
15 and authorizing its acquisition.

16
17 2. For those acquisitions the cost of which is to be funded by subsequently issued bonds, if a
18 written agreement for purchase of the site has not been executed by the municipality and the
19 landowner nor a declaration of taking filed within 90 days after the first regular municipal
20 election at which the issuance of bonds may be selected [APPROVED].
21

22 If a declaration of taking filed pursuant to subsection 1 or 2 of this subsection is dismissed by a court,
23 the authority to acquire shall expire only if a new declaration of taking is not filed within three
24 months of the date of dismissal.
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26 D.[C] Acquisition of a school site by the exercise of the power of eminent domain shall comply with
27 section 25.20.025.
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29 E.[D] Property taxes and assessments on real property selected as a school site in accordance with this
30 section are the obligation of the landowner unless other arrangements are included in the acquisition
31 agreement or as otherwise provided by section 21.80.110, until closing of a purchase or filing of a
32 declaration of taking.
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34 F.[E] Real property which has been selected as a school site in accordance with this section may not be
35 rezoned pursuant to chapter 21.20 prior to the expiration of the designation and authority to acquire
36 without the written consent of the landowner.
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38 G.[F] Real property which has been the subject of a resolution adopted in compliance with this section and
39 which was not acquired may not be made subject to a resolution under this
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41 section for six years from the date the original resolution expired, unless otherwise agreed to by the
42 property owner in writing.
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44 H.[G] The owner of real property selected as a school site in accordance with this section may, in writing,
45 agree to waive the designated time periods in subsection B. of this section.
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47 [H] Nothing in this section or in any waiver by the property owner shall have the effect of (1) permitting
48 the property owner to unilaterally extend the time periods provided in subsection B of this section
49 or (2) obligating the municipality or the school district to purchase selected property.
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51 (AO No. 87-46(S-); AO No. 92-49; AO No. 93-166, § 1, -16-93; AO No. 97-89, § 2, 7-22-97)
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Editor's note --AO No. 97-89, § 2, effective July 22, 1997, section 25.20.055 was renumbered as this new section 25.25.040. History note was carried over from old section 25.20.055.

Section 2. Anchorage Municipal Code section 25.25.050A. is hereby amended to read as follows:

25.25.050 School site selection procedures in general.

A. The initiation, identification, solicitation, evaluation and selection of school sites, including school site expansion, reduction or material change in the character or purpose of site use, shall be conducted as provided in this chapter. The school site selection process shall be conducted in a cooperative effort by the Anchorage School District ("school district"), the department of community planning and development on behalf of the general government ("planning") and the joint school site selection committee, a joint subcommittee of the assembly, school board and planning and zoning commission authorized and established by Assembly Resolution 95-81 or any resolution in amendment or substitution thereof ("JSSSC").

1 The school district and planning shall consult with and shall keep each other and other affected departments and agencies, including the JSSSC, fully informed as appropriate during the site selection process.

2 General government staff and department internal operating costs and expenses incurred in the site selection process shall be paid for by the Anchorage School District.

B. The heads of the appropriate school district departments and the director of planning shall identify their designees to act as members of a joint school district, general government school site working group ("SSWG") which shall be responsible for the utilization and coordination of the site selection process. The SSWG membership may be expanded or reduced by the school district and planning as the need arises.

(AO No. 97-89, § 2, 7-22-97)

Section 3. Anchorage Municipal Code subsection 25.25.080C.8. is hereby amended to read as follows:

25.25.080 General school site selection criteria.

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General site selection criteria. Subject to subsections A. and B. of this section, the following shall be the primary, but not exclusive, general school site selection and use criteria for school site selections, including school site expansion, reduction or material change in the character or purpose of site use,:

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8 *Site acquisition and development costs.* Acquisition and development costs shall be as low as reasonably attainable provided they are consistent with education and long-term school building needs, including multi-purpose community uses, demographic developments and reasonable cost-benefit ratios for both on-site and off-site development.

a. All site acquisition and site use proposals, regardless of the site selection process utilized, shall include and separately delineate estimated on-site and off-site site

development costs.

(The remainder of this section is not affected by this amendment and is therefore not set out.)

(AO No. 97-89, § 2, 7-22-97)

Section 4. Anchorage Municipal Code chapter 25.25 is hereby amended by enacting a new section 25.25.085 to read as follows:

25.25.085 Approved School Building Sites -- Expansion, Reduction or Change in the Character Or Purpose Of Site Use

A *Definitions.* As used in this section,

Assembly-selected means the Assembly approval of a school building site for a particular category of school building which remains in effect under section 25.25.040.

Developed school site means an Assembly-selected school building site on which the construction of a school building or the supporting infrastructure for a school building has been commenced or completed for the category of a school building proposed and considered by the Assembly.

Undeveloped school site means an Assembly -selected school building site on which the construction of a school building or the supporting infrastructure for a school building has not been commenced or completed.

Category of school building means a school building designed or built for a particular population of school-aged children, such as pre-elementary, elementary, middle, junior high or senior high school children, or a school building designed or built for a particular purpose such as special education, vocational education, alternative school or ABC school, or a combination of both.

B *Assembly Site Selection for Changed Conditions.* Unless excepted from compliance with all or part of this Chapter by Assembly Resolution after a public hearing thereon:

The expansion or reduction in the size of any Assembly selected school building site on which there is no change in the category of the school building from that originally intended for and considered by the Assembly shall be subject to and governed only by the following sections:

- 25.25.010 Purpose, Applicability and Agency Functions;
- 25.25.020 Availability of Municipal Land;
- 25.25.030 Assembly Site Approval;
- 25.25.040 Conditions of Assembly Site Approval;
- 25.25.050 School Site Selection Procedure in General;
- 25.25.070 Annual Enrollment and Program Capacities and Land Development Patterns and Population Estimates;
- 25.25.080 General School Site Selection Criteria;
- 25.25.090 Specific School Site Acquisition and Management;

25.25.260 Planning Site Section Report and Recommendation; and
25.25.270 Planning and Zoning Commission and School Board Public Hearing
and Recommendation.

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5 2. The expansion, reduction, development or re-development of any developed or undeveloped
6 school building site for which there is a proposed change in the category of the school
7 building to be constructed different than proposed and considered by the Assembly, shall
8 constitute a newly proposed school building site, the acquisition and/or development of
9 which shall be subject to all requirements of this Chapter as if such site had not been subject
10 to any site selection review process.

11
12 3 The expansion, reduction or development of any school building site for which Assembly
13 approval has expired under section 25.25.040 shall constitute a newly proposed school
14 building site without prior Assembly approval. The acquisition and/or development of such
15 site shall be subject to all requirements of this Chapter as if such site had not been subject
16 to any site selection review process.

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18 **Section 5.** This ordinance shall become effective immediately upon its passage and approval by the
19 Assembly.

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21 **PASSED AND APPROVED** by the Anchorage Assembly this _____ day of _____, 1999.

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26 Chair of the Assembly

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29 **ATTEST**

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34 _____
Municipal Clerk