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Submitted by: Assemblymembers VON
GEMMINGEN and Tremaine
Prepared by: Assembly Office
For reading: MAY 23, 2000

6 ANCHORAGE, ALASKA
7 AO NO. 2000-71(S)
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9 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
10 ANCHORAGE MUNICIPAL CODE TITLE 21 REGULATING COMMUNITY AND LOCAL
11 INTEREST TOWERS
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14 THE ANCHORAGE ASSEMBLY ORDAINS
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16 **Section 1:** That AMC Section 21.35.020 is hereby amended to add the following
17 definition:
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19 Utility substation means, for the purposes of telecommunications facilities,
20 an enclosure made of metal or other material no greater than 240 cubic feet in size.
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23 **Section 2:** That AMC Section 21.45.265 of the Anchorage Municipal Code is
24 amended to read as follows:
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26 21.45.265 Community and local interest towers
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28 A General provisions
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30 1. - 3. No change
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32 4 Collocation
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34 a.- b. No change.
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36 c. All community and local interest towers shall, for a
37 reasonable compensation, be made available for use by
38 as many other licensed carriers as can be technically
39 collocated thereon when the public convenience and
40 necessity require this use and the use will not result in
41 substantial injury to the owner, or in substantial
42 detriment to the service to the customers of the owners.
43 All licensed carriers shall cooperate with each other in
44 collocating additional facilities upon such towers. All
45 licensed carriers shall exercise good faith in collocating
46 with other licensed carriers and in the sharing of towers,
47 including the sharing of technical information to
evaluate the feasibility of collocation. In the event that
a dispute arises as to whether a licensed carrier has

1 exercised good faith in allowing other licensed carriers
2 to collocate upon its tower, the administrative official will
3 determine whether or not the Municipality will intercede
4 on the applicant's behalf with the state regulatory body
5 for an order requiring interconnection. This covenant of
6 good faith and fair dealing shall be a condition of any
7 permit issued pursuant to this Chapter for a tower.

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9 d. The willful and knowing failure of an antenna or tower
10 owner to agree to shared use or to negotiate in good
11 faith with potential users shall be cause for the
12 withholding of future permits to the same antenna or
13 tower owner to install, build, or modify antennae or
14 antenna support structure within the Municipality and
15 possible forfeiture of continued use of the existing
16 tower.

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18 5. - 8. No change

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20 9. a. No change to current paragraph 9 - letter only.

- 21
22 b. EMF standards. The applicant shall comply with Federal
23 standards for EMF emissions. Within six (6) months
24 after the issuance of its operational permit, the applicant
25 shall submit a project implementation report which
26 provides cumulative field measurements of radio
27 frequency (EMF) power densities of all antennas
28 installed at the subject site. The report shall quantify the
29 EMF emissions and compare the results with
30 established Federal standards. Said report shall be
31 subject to review and approval by the administrative
32 official for consistency with the project proposal report
33 and the adopted Federal standards. If on review the
34 administrative official finds that the antenna does not
35 meet Federal standards, the administrative official may
36 revoke or modify the permit. The applicant shall be
37 given a reasonable time based on the nature of the
38 problem to comply with the Federal standards. If the
39 permit is revoked, then the facility shall be removed,
40 within 30 days.

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42 10 No change

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44 11. Tower application

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46 a. An applicant for a tower permit must prepare and
47 submit to the administrative official designated pursuant

2 to section 21.10.005 an alternatives analysis. This
3 analysis shall identify all reasonable, technically
4 feasible, alternative locations and/or facilities which
5 could provide the proposed telecommunication service
6 and shall address each criteria set forth in 21.50.280.D.
7 The intention of the alternatives analysis is to present
8 alternative strategies which would minimize the number,
9 size, and adverse environmental impacts of facilities
10 necessary to provide the needed services to the
11 Municipality. The analysis shall address the potential for
12 collocation and the potential to locate facilities as close
13 as possible to the intended service area. It shall also
14 explain the rationale for selection of the proposed site
15 in view of the relative merits of any of the feasible
16 alternatives. Approval of the project is subject to the
17 administrative official making a finding that the
18 proposed site results in fewer or less severe
19 environmental impacts than any feasible alternative
20 site. In the event that a dispute arises as to whether a
21 licensed carrier has exercised good faith in performing
22 the alternatives analysis, the administrative official may
23 require third party technical verification of the analysis
24 at the applicant's expense. All alternatives analysis
25 submitted pursuant to this section shall remain
26 confidential.

27 b. Fees. Each permit granted pursuant to this Chapter shall
28 contain a condition which requires the permittee to
29 reimburse the Municipality for all direct and indirect
30 expenses reasonably incurred in connection with the
31 modification, amendment, or transfer of the permit.
32 Each permittee shall be required to reimburse the
33 Municipality for all direct and indirect expenses not
34 otherwise covered by permit application fees
35 reasonably incurred while reviewing, inspecting, and
36 supervising the construction, installation, and/or
37 maintenance of an antenna facility authorized by a
38 permit granted pursuant to this Chapter. Costs incurred
39 by the Municipality in response to any emergency at the
40 facility shall be included within the reimbursable
41 expenses.

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43 c. Permit limitations. Approved permits issued by the
44 Municipality for antennas and towers shall be restricted
45 by the following permit limitation:
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1. By December 31 of each year, each tower and antenna owner shall provide the Municipality with an inventory of all of said provider's existing wireless telecommunications towers and antennas or approved sites for such facilities that are either within the Municipality or within one mile of the border thereof.

2. Construction of a tower shall commence within one (1) year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

d. Permit revocation. An antenna or tower permit shall be revoked for the following:

1. Construction, and/or maintenance operation of an antenna or tower at an unauthorized location;

2. Construction or operation of an antenna or tower in violation of any of the terms and conditions of this Chapter or the conditions attached to the permit;

3. Misrepresentation by or on behalf of an applicant, permittee, or wireless communications service provider in any application or written or oral statement upon which the administrative official substantially relies in making the decision to grant, review or amend any permit pursuant to this Chapter;

4. Abandonment of an antenna or tower as set forth in this Chapter;

5. Failure to relocate or remove facilities as required in this Chapter; or

6. Failure to promptly cure a violation of the terms or conditions of the permit.

- e Removal bond. Each tower and antenna owner shall be required to post a bond with the Municipality of sufficient size to reimburse the Municipality for all direct and indirect expenses associated with removal of all antennas and towers they own which are covered by this title and reclamation of the site upon which they are located to it's prior condition. This bond is for use in the event that the owner abandons the structure(s) or the administrative permit is revoked and the Municipality and/or land owner is not able to recover sufficient funds to remove the structure(s) and reclaim the site.

12. Setback requirements

Subsections a and b of this section shall apply only with respect to community and local interest towers constructed or proposed to be constructed after May 24, 2000.

- a. Within or adjacent to residentially zoned (R1 through R-11, R-O, D-2, and D-3) or PLI property, all towers shall be set back from residences by a minimum of five hundred (500) feet or two hundred (200) percent of the height of the proposed tower, whichever is greater.
- b. Towers shall be set back from all schools and licensed child care facilities by a minimum of five hundred (500) feet or two hundred (200) percent of the height of the proposed tower, whichever is greater. Conversely, no school or licensed day care facility may be located within five hundred (500) feet of an existing tower or two hundred (200) percent of the height of the proposed tower, whichever is greater.
- c. Towers shall not be re-permitted either in or on any building or structure within an area of the municipality zoned residential (R1 through R-11, R-O, D-2, and D-3) or PLI except through a conditional use permit.

13.[11] No change to current section 11 - renumber only

B. No change

C. No change

D. Site plan. A site plan shall be prepared for all community interest and local interest towers.

1. Contents. A site plan will follow the standards for conditional use in 21.50.280. The site plan must be prepared and approved by the director of community planning and development or his designee which demonstrates that the tower owner will not have a permanent or negative impact on those items listed in this subsection substantially greater than that anticipated from permitted residential development nor be a public nuisance.
 - a. The character of the neighborhood.
 - b. Compliance with any applicable neighborhood or community covenants.
 - c. Visual and other forms of environmental pollution.
 - d. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by chapter 21.05.
2. Procedure for approval. At least 35 days before acting on a tower site plan application under this section, the director of community planning and development shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. Following timely notice of the site plan, the community council has 35 days to respond from the date of the letter. The director of community planning and development shall take action on the site plan within 50 days of the site plan application submission date.
3. Appeals. A decision of the director of community planning and development or his designee under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.30.010.B.

Section 3: This ordinance shall become effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2000.

Chair

ATTEST:

Municipal Clerk

**MUNICIPALITY OF ANCHORAGE
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

AO 00-71(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AN ORDINANCE AMENDING AMC TITLE 21		DATE PREPARED	
	REGULATING COMMUNITY AND LOCAL INTEREST TOWERS			
	DEPARTMENT NAME ASSEMBLY		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		DIRECTOR'S NAME FAY VON GEMMINGEN, CHAIR	
3	HIS/HER PHONE NUMBER			
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE	
	Mayor			
	Municipal Clerk			
	Municipal Attorney			
	Employee Relations			
	Municipal Manager			
	Cultural & Recreational Services			
	Fire			
	Health & Human Services			
	Merrill Field Airport			
	Municipal Light & Power			
	Office of Management & Budget			
	Police			
	Port of Anchorage			
	Public Works			
	Solid Waste Services			
	Public Transportation			
	Water & Wastewater Utility			
	Executive Manager			
	Community Planning & Development			
	Finance, Chief Fiscal Officer			
	Heritage Land Bank			
	Management Information Systems			
	Property & Facility Management			
	Purchasing			
	Other			
5	SPECIAL INSTRUCTIONS/COMMENTS			
	LAID ON THE TABLE 5/23/00			
6	ASSEMBLY HEARING DATE REQUESTED 5/23/00	7	PUBLIC HEARING DATE REQUESTED 5/23/00	