

See AO 2007-25(S)

Submitted by: ASSEMBLY CHAIR SULLIVAN
ASSEMBLY MEMBER BAUER
ASSEMBLY MEMBER COFFEY

Prepared by: Assembly Counsel

For reading: January 23, 2007

**ANCHORAGE, ALASKA
AO NO. 2007-25**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.15.150, IMPROVEMENTS ASSOCIATED WITH BUILDING AND LAND USE PERMITS, AND PROVIDING FOR DETERMINATION BY THE MUNICIPAL ENGINEER.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.15.150 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.15.150 Improvements Associated With Building and Land Use Permits.

A. *Improvements required.* The issuance of a building permit under Title 23 or a land use permit under Title 21 for the construction of a commercial or industrial structure on a lot, or for a residential structure on a lot, upon a written determination by the municipal engineer, shall be subject to the permit applicant providing the public use easements and improvements required for a subdivision in the same improvement area under chapters 21.80 and 21.85.

C. *Standards for requiring public use easements and improvements.* Where chapters 21.80 or 21.85 grant discretion to determine whether a public use easement or improvement will be required, or to determine the design standards for a dedication or improvement, the municipal engineer shall determine the requirement or standard that applies to a building permit or land use permit under this section by showing that:

1. A legitimate need is present;
2. There is an essential nexus between the legitimate need and the requirement or standard;
3. There is a required degree of connection between the requirement or standard and the projected impact of the project.

1 Should the municipal engineer substantiate that a need exists for additional
2 requirements or standards the following standards shall apply: [APPLYING THE
3 FOLLOWING STANDARDS:]
4

5 1. The public use easement or improvement shall be reasonably
6 related to the anticipated impacts on public facilities and adjacent areas
7 that will result from the use and occupancy of the structure that is the
8 subject of the building or land use permit. Any required public use
9 easement area shall not be used for the purpose of density calculation of
10 lot coverage per the applicable zoning district. The municipal engineer
11 may require the permit applicant to provide additional information or
12 analyses to determine impacts as set out in the Anchorage 2020 Plan's
13 policies for transportation, transportation design and maintenance, and
14 water resources on public facilities and adjacent areas, including
15 [WITHOUT LIMITATION] the following:

16
17 2. The estimated cost of constructing the improvement shall be
18 reasonable when compared to the estimated cost of the proposed
19 development under the building or land use permit. The determination of
20 reasonableness shall be based on a maximum anticipated cost increase
21 of 10% of the cost estimates for the improvement or [AND] the proposed
22 development. [THAT THE PERMIT APPLICANT OR APPLICANT'S
23 AGENT SUBMITS UNDER PENALTY OF PERJURY.] If the municipal
24 engineer determines that the estimated cost to the applicant to complete
25 all the improvements required by this section is unreasonable in relation to
26 the estimated cost of the proposed development, the municipal engineer
27 may reduce or eliminate required improvements as necessary to make the
28 relationship between such costs reasonable.

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31 H. *Fee amount.* The amount of the fee in lieu shall be the lesser of 75
32 percent of the cost of the improvements as estimated by an engineer registered
33 as a professional engineer in Alaska or as provided in a fee schedule adopted by
34 regulation by the municipal engineer, which fee schedule may be adjusted by
35 regulation annually to account for increases in construction costs in the
36 Anchorage area. In the event the applicant or successor in interest later elects or
37 is required to install improvements for which the fee was paid, the fee shall be
38 refunded (without interest), so long as the claim for refund is filed [WITHIN TWO
39 YEARS FROM THE DATE OF INITIAL PAYMENT].

40
41 I. *Appeals.* A permit applicant may appeal a decision of the municipal
42 engineer concerning required improvements under this section to the building

[PLATTING] board by filing a written notice of appeal with the secretary of the building [PLATTING] board not later than ten days after receipt of written notice of the decision. The appeal shall be placed on the agenda of the next regularly scheduled building [PLATTING] board meeting that occurs not less than 20 days after the filing of the appeal. The building [PLATTING] board shall hear the appeal de novo.

(AO No. 2003-68, § 5, 9-30-03)

Section 2. Within ninety (90) days of passage the Municipal Engineer shall prepare a detailed accounting for all building and land use permits which were made subject to AMC 21.15.150, over the past three years, for review and determination by the Municipal Attorney, for compliance with the provisions of section 1 above.

Section 3. Within ninety (90) days of passage the Municipal Attorney shall determine the impact of the requirements promulgated by Project Management and Engineering on properties for which a building or land use permit was issued in the last three years. The Municipal Attorney shall then address any corrective action that may be warranted. The Municipal Attorney shall also provide a written account to the Anchorage Assembly as to the nature of and resolution to any impacts made subject to AMC 21.15.150, on building and land use permits over the last three years.

Section 4. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2007.

Chair

ATTEST:

Municipal Clerk

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2007-25

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

| | | | |
|----------|--|---|-------------------------------|
| 1 | SUBJECT OF AGENDA DOCUMENT AMENDING AMC 21.15.150, IMPROVEMENTS | DATE PREPARED 1/18/07 | |
| | ASSOCIATED WITH BUILDING AND LAND USE PERMITS | | |
| | ... | Indicate Documents Attached | |
| | | <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM | |
| 2 | DEPARTMENT NAME Assembly | DIRECTOR'S NAME Daniel A. Sullivan, Chairman | |
| | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker, Assembly Counsel | HIS/HER PHONE NUMBER 343-4419 | |
| 4 | COORDINATED WITH AND REVIEWED BY | INITIALS | DATE |
| | Mayor | | |
| | Municipal Clerk | | |
| | Municipal Attorney | | |
| | Employee Relations | | |
| | Municipal Manager | | |
| | Anchorage Parks & Recreation | | |
| | Fire | | |
| | Health & Human Services | | |
| | Merrill Field Airport | | |
| | Municipal Light & Power | | |
| | Office of Management and Budget | | |
| | Police | | |
| | Port of Anchorage | | |
| | Office of Economic & Community Development | | |
| | Solid Waste Services | | |
| | Public Transportation | | |
| | Anchorage Water & Wastewater Utility | | |
| | Executive Manager | | |
| | Planning Department | | |
| | Chief Fiscal Officer | | |
| | Heritage Land Bank | | |
| | Information Technology Department | | |
| | Project Management & Engineering | | |
| | Purchasing | | |
| | Other | | |
| | | | |
| | | | |
| 5 | Special Instructions/Comments | | |
| | Addendum - Consent Agenda-Introduction | | |
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| | | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED 1/23/07 | 7 | PUBLIC HEARING DATE REQUESTED |

M.O.A.
 2007 JAN 18 PM 3:23
 CLERK'S OFFICE