

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

Prepared by: Assembly Counsel
For reading: January 23, 2007

Postponed indefinitely 1/28/08

**ANCHORAGE, ALASKA
AO NO. 2007-25(S)**

**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.

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

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

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

H. *Fee amount.* The amount of the fee in lieu shall be the lesser of 75 percent of the cost of the improvements as estimated by an engineer registered as a professional engineer in Alaska or as provided in a fee schedule adopted by regulation by the municipal engineer, which fee schedule may be adjusted by regulation annually to account for increases in construction costs in the Anchorage area. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within three [TWO] years from the date of initial payment.

I. *Appeals.* A permit applicant may appeal a decision of the municipal 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. 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(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AMEND AMC 21.15.150, IMPROVEMENTS ASSOCIATED WITH BUILDING AND LAND USE PERMITS ...	DATE PREPARED 1/22/07
		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 Dan Sullivan, Chairman
3	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
	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 and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	LAID ON THE TABLE ITEM - INTRODUCTION	
6	ASSEMBLY HEARING DATE REQUESTED 1/23/07	7
		PUBLIC HEARING DATE REQUESTED

M.O.A.
 2007 JAN 22 PM 2:13
 CLERK'S OFFICE