

Submitted by: JENNIFER JOHNSTON &
MATT CLAMAN
ASSEMBLY MEMBERS
Prepared by: Dept. of Law
For reading: September 25, 2007

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 9-25-07

ANCHORAGE, ALASKA
AO No. 2007-124(S)

1 AN ORDINANCE REPEALING CHAPTER 25.25, *SCHOOL SITE SELECTION AND*
2 *ACQUISITION SCHOOL BUILDING CONSTRUCTION*, AND AMENDING
3 SECTIONS 21.15.015 AND 25.40.015 TO PROVIDE A SITE SELECTION, SITE PLAN
4 REVIEW AND ACQUISITION PROCESS FOR SCHOOL LANDS.

5
6 **WHEREAS, the Anchorage School Board reviewed AO 2007-124(S) at its regularly**
7 **scheduled meeting on September 24, 2007; and**
8

9 **WHEREAS, the Anchorage School Board unanimously approved AO 2007-124(S),**
10 **subject to the following clarifying amendments:**
11

12 **THE ANCHORAGE ASSEMBLY ORDAINS:**
13

14 **Section 1.** Anchorage Municipal Code chapter 25.25, *School Site Selection and*
15 *Acquisition School Building Construction*, is repealed in its entirety. A copy of
16 chapter 25.25 is attached hereto as Exhibit A.
17

18 **Section 2.** Anchorage Municipal Code section 21.15.015A. is amended to read as
19 follows:

20 21.15.015 Public facility site review.
21

22 A. Authority of planning and zoning commission. The planning and zoning
23 commission shall review and make recommendations regarding the
24 following under this section:
25

26 1. The selection of a site for a public facility, **including a site for a**
27 **school facility**, except where the location of the site is:
28

- 29 a. Designated on a municipal plan adopted by the assembly;
30 b. Determined by a dedication to the municipality on a final
31 plat approved and recorded in accordance with this title; or
32 c. Subject to approval of a conditional use under this title.
33

34 2. **A recommendation of a site for a school facility shall be forwarded**
35 **to the Anchorage school board for its review and [separate]**
36 **recommendation.**
37

38 **a. The school board and the planning and zoning**

commission may meet in a joint public hearing; however, the school board and the planning commission shall separately consider and make recommendations to the Assembly.

b. Both recommendations shall then be forwarded as a package to the Assembly for approval.

3. Action by the assembly. Upon receipt of recommendations from the planning & zoning commission and the Anchorage school board, the assembly shall hold a public hearing and take one of the following actions:

a. Approve a specific recommended site;

b. Reject some or all recommended sites; or

c. Remand the evaluated and recommended sites to planning & zoning commission and the school board for further investigation, review and evaluation, with due consideration to the recommendations of the school board.

4 [2]. The site plan for a public facility, including a site plan for a school facility, except for site plans subject to approval of a conditional use under this title.

*** **

(AO No. 84-20; AO No. 85-160, 1-8-86)

Section 3. Anchorage Municipal Code section 25.40.015 is amended to add a new subsection to read as follows:

25.40.015 Heritage Lands - Designation for and withdrawal from, the Heritage Land Bank, for public purposes.

*** **

D. [Acquisition-of-s] School lands.

1. Acquisition. Until formally designated as school land, and compensation is paid according to this section, all land acquired by the municipality for a potential school site shall be held in inventory and managed by the Heritage Land Bank [as school lands].

2 [1]. Lands held for potential school sites may be managed and used by the Heritage Land Bank for any purpose not inconsistent with their ultimate use as a school site.

1 **3 [2]. Land identification.**

- 2
- 3 a. Following a determination of need by the Anchorage school
- 4 district, and approval by the Anchorage school board, the
- 5 school district shall make a request in writing to the
- 6 Heritage Land Bank to identify municipal lands available for
- 7 use as potential school sites.

8 ~~**[If land held in inventory meets the need of the**~~

9 ~~**Anchorage school district, it shall be formally designated**~~

10 ~~**by resolution as school lands.]**~~

- 11
- 12 b. If no land available in inventory meets the need of the
- 13 school district, the municipality ~~may~~ **[shall]** utilize ~~any~~
- 14 **method set out in** chapter 25.20 to identify and acquire
- 15 property **for potential school sites.**

16

17 ~~**[Upon acquisition and compensation as described in this**~~

18 ~~**section, the property shall be formally designated as**~~

19 ~~**school lands and management authority shall be**~~

20 ~~**delegated to the school district.]**~~

- 21
- 22 c. **Such acquisitions shall be available for consideration as**
- 23 **potential school sites, subject to section 21.15.015.**

24

25 ~~**[A formal designation of property as school land may be**~~

26 ~~**removed by memorandum submitted jointly by the**~~

27 ~~**administration and the school district, and compensation**~~

28 ~~**as described in this section. The removal of a**~~

29 ~~**designation does not prohibit later re-designation upon**~~

30 ~~**school district request.]**~~

- 31
- 32 d. **Upon assembly designation of a school site, and**
- 33 **compensation as described in this section, management**
- 34 **authority shall be delegated to the school district.**

35

36 **4 [3]. Compensation.** At the time of delegation of management authority,

37 Heritage Land Bank shall provide the mayor and school district an

38 accounting showing all costs and fees associated with the land

39 acquisition, including whether the costs were paid by the school

40 district or by the municipality.

- 41
- 42 a. Notwithstanding the disposal provisions in section
- 43 25.40.025, the school district shall pay the Heritage Land
- 44 Bank for all land acquisition costs incurred by the

municipality, except the assembly may, in its discretion, waive some or all of the acquisition costs. [±]

~~[In the event the actual land acquisition costs and fees substantially exceed the market value, the assembly may, in its discretion, waive some or all of the acquisition costs to reduce the cost to market value.]~~

b. Compensation may occur by cash payment, exchange, credit, or any combination thereof, as mutually agreed between Heritage Land Bank and the school district, and approved by the assembly.

[Payment shall occur by:

- i. Appropriation of funds from the school district to the Heritage Land Bank at the time of designation as school land and delegation of management authority; or
- ii. By dedication of bond revenue approved by the voters.]

5. Lands determined by the school district and approved by the school board to be excess to school needs shall be returned to the Heritage Land Bank inventory, upon assembly approval and compensation to the school district pursuant to this section.

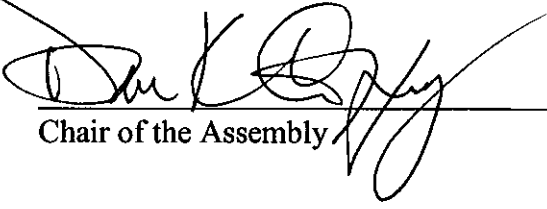
Section 4. The municipality and school district shall work together to prepare and maintain internal procedures for implementation of this ordinance.

[On or before December 1, 2007:

- a. The municipality, in coordination with the Anchorage school district, shall compile a list of municipal land available or potentially appropriate for school lands or under the management authority of the school district. The list shall identify each parcel by tax number and size, and indicate whether improvements currently exist or are designed for the parcel.
- b. The list shall be submitted to the Assembly under an Assembly Informational Memorandum (AIM) within 30 days of completion.
- c. Thereafter, municipality and school district shall annually review and update the list of school lands; a copy shall be provided to the Assembly by AIM in January of each year.]

Section 5. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 25th day of September, 2007.


Chair of the Assembly

ATTEST:


Municipal Clerk

G:\mat\open matters\Title 25.25 - Repeal School Site Selection\AO 2007-124 (S) - final 9-24-07.DOC

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

AO 2007-124(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT REPEAL CHAPTER 25.25, SCHOOL SITE SELECTION AND ACQUISITION SCHOOL BUILDING CONSTRUCTION	DATE PREPARED 9/25/07
	AO 2007-124(S)	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 Coffey, Assembly Chair
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Rhonda F. Westover, Deputy Municipal Attorney	HIS/HER PHONE NUMBER 343-4532
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 - NEW PUBLIC HEARINGS, 14.K.1.	
6	ASSEMBLY HEARING DATE REQUESTED 9/25/07	7
		PUBLIC HEARING DATE REQUESTED 9/25/07

2007 SEP 25 AM 8:36
 M.D.A.
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