

Submitted by: ASSEMBLY MEMBER Johnston
Prepared by: Assembly Counsel
For reading: September 13, 2011

Postponed Indefinitely
9/27/11

ANCHORAGE, ALASKA
AO NO. 2011-92

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 21.15.015 FOR CLARIFICATION TO
3 CONFIRM AND MAINTAIN FINAL SITE SELECTION APPROVAL AUTHORITY WITH THE
4 ASSEMBLY, AFTER REVIEW AND RECOMMENDATION BY THE PLANNING AND
5 ZONING COMMISSION.

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7 WHEREAS, AMC 21.15.015, Public facility site review, covers both the site selection
8 process through the Planning and Zoning Commission to the Assembly, and the site plan
9 review and decision process through the Urban Design Commission; and

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11 WHEREAS, the site selection process requires review and recommendation by the
12 Planning and Zoning Commission to the Assembly, prior to public hearing and final action by
13 the Assembly on site selection; and

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15 WHEREAS, the site plan review process vests the Urban Design Commission with
16 final review and decision authority, without Assembly hearing or final action by the Assembly;
17 and

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19 WHEREAS, it has not been the intent of the Assembly exempt any public facility site
20 selection from public hearing and Assembly approval; and

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22 WHEREAS, Assembly delegation to the Planning and Zoning Commission is limited to
23 the authority to review and make recommendations to the Assembly; agency disagreement
24 with recommendations of the Planning and Zoning Commission does not alter limits of the
25 legislative Assembly's delegation on site selection; and

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27 WHEREAS, this ordinance adds clarification and amendment to subsection H to
28 remedy confusion; now, therefore,

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30 THE ANCHORAGE ASSEMBLY ORDAINS:

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32 **Section 1.** Anchorage Municipal Code section 21.15.015 is hereby amended to read as
33 follows (*language indicating no amendment is included for context only and other subsections*
34 *not affected are not set out*):

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36 **21.15.015 Public facility site review.**

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38 A. Authority of planning and zoning commission. The planning and zoning
39 commission shall review and make recommendations regarding the following
40 under this section:
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1. The selection of a site for a public facility, including a site for a school facility, except where the location of the site is:
 - a. Designated on a municipal plan adopted by the assembly;
 - b. Determined by a dedication to the municipality on a final plat approved and recorded in accordance with this title; or
 - c. Subject to approval of a conditional use under this title.
 2. A recommendation of a site for a school facility shall be forwarded to the Anchorage school board for its review and recommendation.
 - a. The school board and the planning and zoning commission may meet in 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 and zoning commission, and the Anchorage school board in the case of a school facility, 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 and zoning commission and the school board in the case of a school facility, for further investigation, review and evaluation.
 4. The design study report for road projects.
- B. Authority of urban design commission. The urban design commission shall review and approve site plans for public facilities, including site plans for school facilities, but not site plans subject to approval by conditional use under this title, or the design study report for road projects.

1 F. Review required. The applicable commission shall review and:

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3 1. Make recommendations under subsection A of this section before the
4 acquisition of a site for the public facility may be authorized or before
5 publicly owned land is designated as the site for the public facility.
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7 2. Decide on the site plan under subsection B of this section before the final
8 commitment to the design of a public facility may be made, and before
9 any contract to construct or acquire the public facility's improvements
10 may be awarded.

11 *** **

12 H. Conformance with recommendations and decisions of applicable commission.

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14 1. No agency may proceed with a site selection under subsection A of this
15 section without Assembly approval.
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17 2. No agency may proceed with a [SITE SELECTION OR] site plan that does not
18 conform to the applicable commission's decision [RECOMMENDATIONS]
19 under subsection B of this section, unless the agency furnishes the
20 commission a written statement of the reasons for its decision to proceed
21 at least 30 days before implementing that decision.

22 *** **

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24 J. Definitions. As used in this section, the term "public facility" means any of the
25 following owned, or leased for no less than ten years, by a government agency
26 not exempt by law from municipal land use regulation: any building in which
27 government operations or activities occupy more than 4,000 square feet, any
28 street of collector or greater capacity, and any snow disposal site. "Public
29 facility" shall also include any dedicated park exceeding 1 1/2 acres in area,
30 except as limited below:
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33 1. In the Anchorage Bowl, this definition shall only include Community Use
34 Areas and Special Use areas, and Natural Resource Use Areas
35 exceeding 50 acres in area, as defined in the Anchorage Bowl Park,
36 Natural Resource, and Recreational Facility Plan, dated April 2006.
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38 2. In Chugiak-Eagle River, this definition shall only include Community,
39 Large Urban, and Regional Parks, as defined in the Anchorage Park,
40 Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak
41 Eklutna", dated December 1985.
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1 K. This section shall not apply to any facility site selection or site plan:

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3 1. Reviewed by the commission or approved by the assembly before
4 January 31, 1984;
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6 2. Under which there have been substantial expenditures for design or
7 construction before January 31, 1984.
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9 (AO No. 84-20; AO No. 85-160, 1-8-86; AO No. 2007-124(S), § 2, 9-25-07; AO No.
10 2008-15(S-2), § 2, 8-19-08)
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12 **Section 2.** Provisions of Anchorage municipal code section 21.10.015 notwithstanding, this
13 ordinance does not require Planning and Zoning Commission review and shall become
14 effective immediately upon passage and approval by the Assembly.
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16 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
17 _____, 2011.
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22 _____
23 Chair

24 ATTEST:
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30 _____
Municipal Clerk