

Submitted by: Chair of the Assembly at the request of  
the Mayor

Prepared by: Dept. of Law

For reading: February 14, 2012

CLERK'S OFFICE

**APPROVED**

**ANCHORAGE, ALASKA**

Date: 2-28-12 **AO NO. 2012-23**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY WAIVING OR  
MODIFYING CERTAIN PROVISIONS OF ANCHORAGE MUNICIPAL CODE, INCLUDING  
TITLE 21, LAND USE PLANNING, AND TITLE 15, ENVIRONMENTAL PROTECTION, TO  
ALLOW FOR TEMPORARY SNOW DISPOSAL SITES DUE TO THE LARGE VOLUME OF  
SNOW AND INSUFFICIENT LOCATIONS TO PLACE THE SNOW; TO INCLUDE A  
STREAMLINED PERMITTING PROCESS, AND APPEAL PROCESS UNDER TITLE 14,  
AND ALLOWING FOR DISCRETIONARY WAIVERS DEEMED IN THE PUBLIC INTEREST.**

WHEREAS, this season's snowfall has greatly exceeded the normal average;

WHEREAS, all currently available public and private snow disposal sites within the Anchorage bowl are at or near capacity; and

WHEREAS, new, temporary, snow disposal sites are needed to keep driving on city and state roads, parking on private properties, walking or otherwise using sidewalks, and other activities, from becoming unduly problematic or even dangerous to the general public as more snow accumulates; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code Title 21 provisions governing the Conditional Use Permit process for snow disposal sites, including AMC 21.15.025 (Public facility site review), AMC 21.15.030 (Approval of site plans and conditional uses), AMC Chapter 21.40 (Zoning districts) and AMC 21.50.270 (Snow disposal sites) are hereby suspended and temporarily superseded as follows:

Any site which would otherwise require a Conditional Use Permit may, upon the filing of a complete application, be granted a temporary permit in lieu of a Conditional Use Permit by the Director of Community Development and Planning ("Director"). The application must contain the following information in order to be considered complete and eligible for a temporary permit:

A drainage and water quality plan prepared by a licensed professional engineer. This plan shall analyze the effects of the snow disposal activity upon subsurface and surface water quality conditions and shall specify mitigation measures to reduce identified impacts. This provision may be waived or reduced to a minimal submittal if the municipality determines, in its sole discretion, that it already has sufficient data upon which to make an adequate determination.

A dust and litter plan that identifies the manner of dust control to be used and the manner of trash collection and removal from the site, which shall have minimal impact upon adjacent uses, keeping in mind the temporary nature of the permit.

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2 An estimate of the amount of snow to be stored at the site, expressed in cubic yards  
3 and the average height of snow to be stored on the site.  
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5 A description of the hours of operation.  
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7 Identification of one or more individuals who shall be responsible for enforcement of  
8 the permit conditions to be employed at the site.  
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10 In order to qualify for and maintain a permit, the site shall have the following characteristics:  
11

12 *Traffic.* A site shall be located on or have direct access from a street of collector or  
13 greater capacity, as defined in the official streets and highways plan, unless waived by  
14 the traffic engineer in the public interest.  
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16 *Minimum lot size.* The minimum lot size shall be 30,000 square feet, unless otherwise  
17 modified by the Director.  
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19 *Maximum lot coverage.* The maximum lot coverage shall be that permitted in the  
20 zoning district, unless otherwise modified by the Director.  
21

22 *Maximum height of structures.* The maximum height of structures shall be 25 feet.  
23 Existing structures are exempt.  
24

25 *Minimum yard requirement.* The minimum yard requirement shall be 25 feet if adjacent  
26 to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to any  
27 other zoning district, unless modified by the Director.  
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29 *Screening fence or berm.* No screening or berm is required.  
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31 *Landscaping.* No landscaping is required.  
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33 *Parking.* No parking is required. However, site users must obey all traffic laws  
34 regarding adjacent rights of way and properties, including rules governing or  
35 prohibiting parking adjacent to the site, including parking or staging in rights of way.  
36

37 *Illumination.* No illumination is required except as may be necessary to maintain a  
38 reasonably safe premises and make vehicles entering and exiting the property  
39 reasonably visible to other traffic.  
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41 *Drainage and water quality facilities.* Storm drainage and water quality facilities shall  
42 be provided as may be required for applicable water quality standards for sites of this

type.

*Signs.* No permanent signs related to the activity of the site as a snow disposal site are allowed and no signs shall have a maximum viewing area of greater than 20 square feet.

*Noise levels.* Noise levels on the site shall not exceed the standards set forth in section 15.70.080, unless waived or mitigated with the approval of the Health Department Director.

*Permit to be posted onsite.* Upon issuance, the permit shall immediately be posted onsite at a conspicuous location available for reading by the general public. The posted permit shall include the hours of operation, contact information for questions or concerns, and the following appeal information:

Any owner of property within 500 feet of this site may appeal the grant of the permit by filing a written notice of appeal with the Municipality's Administrative Hearing Officer (Suite 740, City Hall, 343-4535) within 7 calendar days of issuance or posting of the permit, whichever is later. No late-filed appeals will be accepted.

*Authority to impose additional requirements.* Additional requirements may be imposed by the Director in order to mitigate the impacts of the snow disposal site operations on adjacent uses, consistent with the intent to provide temporary snow disposal sites.

**Section 2.** *Zoning districts.* Permits under this section may be issued in any zoning district where snow disposal sites are allowed "by right" or by conditional use permit. Permits under this section may be issued in other zoning districts, but only upon concurrence of the Municipal Manager or Mayor.

**Section 3.** All issued permits will immediately be posted on the Municipality's website at <http://munimaps.muni.org/planning/home3.htm> and shall not be considered issued until so posted. Any owner of property within 500 feet of a site permitted under this ordinance may appeal the grant of the permit by filing a written notice of appeal with the Administrative Hearing Officer within 7 calendar days of issuance of the permit or on-site posting, whichever is later. No late-filed appeals will be accepted. The Administrative Hearing Officer shall conduct an informal hearing under AMC Title 14 within 5 days of receipt of the appeal. For purposes of adjudication, the Administrative Hearing Officer shall use Title 14 and treat the permit as if granted under AMC section 21.50.270.

**Section 4.** Any permit granted under this ordinance shall automatically expire no later than August 1, 2012 or upon the date the last snow or ice is present on the property, whichever

occurs first. Expiration of the permit does not relieve the permittee from any obligations under the permit, including as to litter and dust control, until released in writing by the Director. No permits under this ordinance shall be granted after May 1, 2012.

**Section 5.** *Violations of permit.* Permit violations will be treated as violations under Title 21 or Title 15, as if the permit were a conditional use permit issued under AMC section 21.50.270. Accordingly, and without limitation on other enforcement options, Land Use Enforcement shall have jurisdiction to investigate complaints and issue enforcement orders, and take other appropriate action in accordance with AMC Chapter 21.25, and the Health Department may investigate and issue enforcement orders in accordance with Title 15.

**Section 6.** *Fees.* The application fee for a permit is \$500. The fee for inspections or re-inspections is \$150 per hour.

**Section 7.** This ordinance does not apply to sites already subject to a current Conditional Use Permit or other current approval (e.g. a "by right" location with all required permits).


**Section 8.** Properties zoned R-O to I-3 (AMC 21.40130-21.40.220) or gC-1 to gl-2 (21.40.350-21.40.460) may use up to 10% of the required parking spaces specified in AMC 21.45.080 for on-site snow storage. This section expires August 1, 2012.

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

PASSED AND APPROVED by the Anchorage Assembly this 28<sup>th</sup> day of February, 2012.

  
Chair

ATTEST:

  
Municipal Clerk