

Municipality of Anchorage

MEMORANDUM

DATE: November 17th, 2021

TO: Federation of Community Councils

FROM: Municipality of Anchorage, Planning Department

SUBJECT: Case 2022-0003, An Ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 21.03.050, *Appeals*, and Anchorage Municipal Code of Regulations 21.10.304, 21.10.503, 21.11.304, 21.11.503, 21.13.340, and 21.13.530 to simplify land use appeals.

BACKGROUND:

This ordinance proposes several amendments to Title 21 in Anchorage Municipal Code and the Municipal Code of Regulations with the intent of simplifying the process for appeals of land use decisions. Over the past few years, the municipality has seen a substantial increase in land use appeals and this has shed light on some areas for improvement.

DESCRIPTION OF TEXT AMENDMENTS:

First, to simplify the appeals process in front of the Board of Adjustment, this ordinance would amend AMC 21.03.050 to require the same appeals process for every appeal in front of the Board of Adjustment, rather than dictating a different procedure for appeals of preliminary plats. The distinct process for appeals of preliminary plats was unnecessarily confusing. All appeals to the Board of Adjustment will now begin with filing a “Notice of Intent to Appeal,” followed by the underlying board or commission adopting written findings, and, lastly, filing a “Notice of Appeal.” The preliminary Notice of Intent to Appeal puts the municipality, and the land use applicant, on notice early in the process that an interested party intends to appeal. The language proposed in subsection 21.03.050A.4. is a refinement and reorganization of existing code language.

A second purpose of this ordinance is to shift responsibility for initial tasks such as arranging for the appeal record and transcript from the Municipal Clerk’s Office to the Planning Department. The Planning Department provides staff support to the land use boards and commissions whose decisions are being appealed, so it is more efficient for the Planning Department to oversee these initial steps. Once the appeal record is complete, the Planning Department provides the record to the Municipal Clerk’s Office, who takes over responsibility for next steps, including communications with parties on appeal, and accepting and dispersing appeal briefs.

The third element of this ordinance is removing the “new evidence changed circumstances” process available under existing code for the Planning and Zoning Commission, the Platting Board, and the Urban Design Commission. The process allows any interested party to raise supposed new issues for consideration by the

decision-making body in lieu of filing an appeal. In practice, the process is fraught with confusion, especially as interested parties seek to use both this procedure, and the appeal process, simultaneously. The amendments proposed will help streamline the appeal process in front of land use appellant boards by creating a single process available to interested parties. The opportunity for board and commission members to request reconsideration of any vote will be retained.