

REFERRED TO THE PLANNING & ZONING
COMMISSION ON 2-17-04

Submitted by: Assemblymember Shamberg, Tesche
Prepared by: Department of Assembly
For reading: February 17, 2004

ANCHORAGE, ALASKA
AO NO. 2004- 60

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE CHAPTER 21.90, UTILITY DISTRIBUTION
3 FACILITIES, SECTION 21.90.030, VARIANCES, AND SECTION 21.90.070,
4 NONCONFORMING OVERHEAD LINES, TO AUTHORIZE THE DIRECTOR OF THE
5 OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT TO GRANT
6 VARIANCES, TO REQUIRE A UTILITY OWNING POLES TO EXPEND TWO
7 PERCENT OF ITS GROSS ANNUAL RETAIL REVENUES FROM SALES WITHIN
8 THE MUNICIPALITY OF ANCHORAGE TO REMOVE POLES SUPPORTING
9 NONCONFORMING OVERHEAD UTILITY LINES AND PLACE THE LINES
10 UNDERGROUND, AND TO REQUIRE PLACEMENT OF NEW SERVICE LINES
11 UNDERGROUND.
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13
14 THE ANCHORAGE ASSEMBLY ORDAINS:

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16 **Section 1.** Anchorage Municipal Code section 21.90.030 is hereby amended to read as
17 follows: (*Other portions of the section are not affected and therefore not set out.*)
18

19 **21.90.030 Variances.**

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21 A. The director of the office of economic and community development [PLANNING
22 AND ZONING COMMISSION] may grant a variance from Section 21.90.020.A when
23 [THE COMMISSION FINDS] any of the following is found:
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- 25 1. Placing a utility distribution line underground would cause an excessive
26 adverse environmental impact;
- 27
28 2. Placing a utility distribution line underground would threaten public health
29 and safety, because the placement cannot be shown to meet acceptable technical
30 standards for safety; or
- 31
32 3. Placing a utility distribution line underground in an environmentally sound
33 and safe manner would cost more than three times the cost of placing the line
34 overhead, where the applicant demonstrates the relative cost to the satisfaction of

1 the director of the office of economic and community development
2 [COMMISSION].

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6 [The Revisor of Ordinances is instructed to change all subsequent references to
7 “Department of Community Planning and Development” in this section to “Director of
8 the Office of Economic and Community Development”.]

9 (AO No. 156-76; AO No. 84-62; AO No. 86-17)

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11 **Section 2.** Anchorage Municipal Code section 21.90.070 is hereby amended to read as
12 follows:

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14 **21.90.070 Nonconforming overhead lines [-CONFORMANCE WITH TEN-YEAR**
15 **PLAN].**

16
17 A. An electric utility that owns poles that support nonconforming utility distribution
18 lines shall remove the poles and place those lines underground. Any other utility
19 that attaches to such poles shall place its lines underground at the same time that
20 the pole owner places lines underground. [OWNING OR OPERATING
21 NONCONFORMING UTILITY DISTRIBUTION LINES SHALL PLACE
22 THOSE LINES UNDERGROUND IN ACCORDANCE WITH THE TEN-
23 YEAR PLAN APPROVED UNDER SECTION 21.90.060; PROVIDED THAT
24 A UTILITY NEED NOT EXPEND, EXCEPT BY SPECIAL AGREEMENT,
25 DURING ANY FISCAL YEAR OF THE UTILITY, MORE THAN FOUR
26 PERCENT OF ITS GROSS REVENUES DERIVED FROM SERVICE
27 CONNECTIONS WITHIN THE MUNICIPALITY, EXCLUDING TOLL
28 REVENUES AND REVENUES FROM SALES OF ELECTRIC POWER FOR
29 RESALE, DURING ITS PRECEDING FISCAL YEAR TO COMPLY WITH
30 THIS SUBSECTION.]

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32 1. The electric utility that owns poles shall, in each fiscal year, expend two
33 percent of a three-year average of its annual gross retail revenues derived from
34 utility service connections within the municipality, excluding toll revenues,
35 revenues from sales of natural gas to third parties, and revenues from sales of
36 electric power for resale. An electric utility’s expenditures, pursuant to AS
37 42.05.381(h), within the Municipality of Anchorage, shall be counted toward
38 satisfaction of the two percent expenditure required by this subsection.

39
40 2. A utility with lines attached to a pole that is to be removed under this
41 subsection shall place its lines underground at the same time that the pole owner
42 places its lines underground. An attached utility shall not be required to expend

1 more than two percent of its annual gross retail revenues derived from utility
2 service connections within the municipality, excluding toll revenues. For the
3 purpose of satisfying 21.90.070, the utility's expenditures pursuant to AS
4 42.05.381(h) within the Municipality of Anchorage are counted toward this two
5 percent expenditure limit.

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7 3. The electric utility that owns poles may choose which existing lines to
8 underground in order to fulfill the two percent expenditure requirement, in
9 consultation with any other utilities with facilities attached to such poles.

10
11 4. Each year that an attached utility has spent 2% of its annual gross retail
12 revenues, the electric utility is not required to remove its poles, which support
13 lines owned by the attached utility. It may, instead, transfer pole ownership per
14 any pole attachment agreement in effect between the electric utility and the
15 attached utility.

16
17 5. An electric utility that owns poles that does not expend the amount
18 required in subsection A. of this section, or that expends more than that amount,
19 may carry over the under or over expenditure as an adjustment to the following
20 year's obligation.

21
22 B. The electric utility that owns poles shall notify the Municipality of Anchorage
23 Director of Economic and Community Development, and utilities or entities with
24 lines attached to such poles, of the approximate date that the owner plans to
25 remove the poles. Such notice, where possible, shall be given at least four months
26 in advance of the undergrounding except where an emergency or other unforeseen
27 circumstances preclude such notice, in which case such advance notice as is
28 reasonable under the circumstances shall be provided.

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30 C. A utility shall annually submit a report of its undergrounding projects and
31 expenditures to the director of the office of economic and community
32 development within 120 days of the end of the preceding calendar year.

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34 D.[B] All n[N]ew service connections shall be placed underground in the same manner
35 as required for utility distribution lines under Section 21.90.020. [IN TARGET
36 AREAS DESIGNATED UNDER SECTION 21.90.060; PROVIDED THAT]
37 New service lines [CONNECTIONS] may be temporarily installed above ground
38 [OVERHEAD] from October through May, if placed underground within one
39 year of installation.

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41 **Section 3.** This ordinance shall become effective immediately upon its passage and approval.
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PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2004.

Chair

ATTEST:

Municipal Clerk

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET

AO 2004- 60

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED 02/12/04
	UTILITY DISTRIBUTION FACILITIES	INDICATE DOCUMENTS ATTACHED AO
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Dick Traini
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY R. M. Gutierrez	HIS/HER PHONE NUMBER X4763
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manager	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	ADDENDUM - CONSENT AGENDA-INTRODUCTION	
	TO BE REFERRED TO THE PLANNING & ZONING COMMISSION	
6	ASSEMBLY MEETING DATE 02/17/04	7 PUBLIC HEARING DATE REQUESTED