

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Community Development
Department, Planning
Division
For Reading: November 19, 2013

**ANCHORAGE, ALASKA
AO No. 2013-132**

**AN ORDINANCE ADOPTING THE ANCHORAGE WETLANDS MANAGEMENT
PLAN REVISION AS AN ELEMENT OF THE COMPREHENSIVE PLAN;
AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 21.05.030D.,
21.05.115, AND 21.05.130 ACCORDINGLY; AND AMENDING EXHIBIT A TO
AO 2013-124(S) AS AMENDED, AT THE NEW TITLE 21 SECTION 21.01.080.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. *The Anchorage Wetlands Management Plan Public Hearing Draft, March 2012, with Track-changes version, dated June 3, 2013 (Exhibit A) is adopted as an element of the Comprehensive Plan, as recommended with amendments by the Planning and Zoning Commission in Resolution No. 2013-017 (Exhibit B) and by Assembly Members Birch and Johnston (Exhibit C).*

Section 2. *Anchorage Municipal Code subsection 21.05.030D.2. is amended to read as follows (the remainder of the section is not affected and therefore not set forth):*

21.05.030 Elements.

The comprehensive plan consists of the following elements, which are incorporated in this chapter by reference. While they may be valid planning tools, plans or other elements that are not listed below or incorporated into the comprehensive plan elsewhere in this Code are not official elements of the comprehensive plan. If elements of the comprehensive plan conflict, the element most recently adopted shall govern.

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D. *Environmental Quality*

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2. *Anchorage Wetlands Management Plan, as adopted (insert effective date, 2013) [APRIL 1995] (AO No. 82-33(S); AO No. 84-16(SA); AO No. 84-130(S); AO No. 84-163; AO No. 95-129, § 2, 3-12-96; AO No. 2006-94, § 2, 7-25-06;AO No. 2013- , § 2, (insert effective date)).*

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(AO No. 18-75; AO No. 82-49; AO No. 85-165; AO No. 2000-119(S), § 4, 2-20-01; AO No. 2001-124(S), § 2, 2-20-01; AO No. 2002-68, § 1, 4-23-02;

AO No. 2002-119, § 1, 9-10-02; AO No. 2003-74, § 1, 5-20-03; AO No. 2003-129, § 2, 10-21-03; AO No. 2005-115, § 3, 10-25-05; AO No. 2006-93(S-1), § 2, 12-12-06; AO No. 2007-107, § 2, 8-28-07; AO No. 2008-74, § 2, 6-24-08; AO No. 2009-69, § 2, 6-23-09; AO No. 2009-104, § 3, 9-15-09; AO No. 2009-126, § 2, 12-1-09; AO No. 2010-22, § 2, 4-13-10)

Section 3. Exhibit A of AO 2012-124(S) adopting the new Title 21, inclusive of Anchorage Municipal Code subsection 21.01.080B.1., Table 21.01-1 Comprehensive Plan Elements, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set forth*):

21.01.080 Comprehensive Plan

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B. Elements

1. Adopted Elements

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TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic Plan Adoption Date Amendments [1]			
*** *** ***			
Environmental Quality	Anchorage Wetlands Management Plan	<u>AO 1995-129; 3-12-1996</u> [AO 1982-33(S); 4-20-1982]	[AO 1984-16(SA); 2-28-1984] [AO 1984-130(S); 8-14-1984] [AO 1984-163; 7-31-1984] [AO 1995-129; 3-12-1996] <u>AO No. 2006-94; 7-25-06</u> <u>AO 2013- ; (insert effective date of this ordinance)</u>
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Section 4. Anchorage Municipal Code section 21.05.115 is amended to read as follows (*the remainder of the section is not affected and therefore not set forth*):

21.05.115 Implementation—Anchorage Wetlands Management Plan.

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B. Municipal zoning and platting actions.

1. Municipal zoning and platting actions taken under this title shall be consistent with the Anchorage Wetlands Management Plan. It is the intent of the municipality that wetlands designated "A" in Table 4.1 [2] will be protected as indicated in that table and in Chapter 4 of the Anchorage Wetlands Management Plan.

2. The provisions of AMC 21.80.100--110 may be applied to plats showing development of wetlands designated "A" under the plan where fee simple acquisition is required by the plan. If at the end of the 15-month period for acquisition provided by AMC 21.80.110, the "A" wetlands have not been acquired, by mutual agreement of the property owner and the municipality, the reserve tract designation may be extended, in consideration of which agreement the municipality shall pay an amount equal to the taxes accumulated on the property for the period of reservation. If the municipality and the property owner do not agree on an extension of the reserve tract designation, the property owner must obtain a Section 404 permit required by the Federal Clean Water Act of 1972, as amended, before submitting a plat for that property. In conducting the Section 404 review, the "A" Wetlands-Management Guidelines and Implications found in Chapter 4, Section II.B. of the Wetlands Management Plan shall be applied.

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5. Whenever practicable, the platting authority or the planning and zoning commission shall include the recommended construction mitigation techniques and conditions and enforceable policies in Table 4.1 [2] when approving plats or conditional use permits in wetlands designated "C" under the plan.

C. Application of plan to approved projects.

1. Conditional uses and preliminary plats approved prior to (Month) 2013 [APRIL 1995], the date of adoption of the revised Anchorage Wetlands Management Plan, shall not have additional conditions imposed upon them as a result of requirements of the plan except as follows:

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Section 5. Anchorage Municipal Code section 21.05.130 is amended to read as follows *(the remainder of the section is not affected and therefore not set forth)*:

21.05.130 Implementation--Coastal Management Plan.

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(AO No. 85-165; AO No. 95-129, § 4, 3-12-96; AO No. 2006-94, § 2, 7-25-06; AO No. 2007-107, § 3, 8-28-07; AO 2013-____; (insert effective date of this ordinance))

Section 6. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2013.

Chair

ATTEST:

Municipal Clerk