

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Planning Department
For Reading: July 24, 2007

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 8-28-07

Anchorage, Alaska
AO No. 2007- 107

1 AN ORDINANCE ADOPTING THE ANCHORAGE COASTAL MANAGEMENT
2 PLAN DATED JULY 2007 AS AN ELEMENT OF THE ANCHORAGE
3 COMPREHENSIVE PLAN, AND AMENDING ANCHORAGE MUNICIPAL
4 CODE SECTIONS 21.05.030. AND 21.05.130.

5
6
7 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

8
9 **Section 1.** The Anchorage Coastal Zone Management Plan, originally adopted
10 and dated January 1981, is hereby amended by the Anchorage Coastal
11 Management Plan dated July 2007 and is hereby adopted as an element of the
12 Anchorage Comprehensive Plan.

13
14 **Section 2.** Anchorage Municipal Code section 21.05.030 is amended as follows
15 *(the remainder of the section is not affected and therefore not set out):*

16
17 21.05.030 Elements.

18
19 The comprehensive plan consists of the following elements, which are
20 incorporated in this chapter by reference. While they may be valid
21 planning tools, plans or other elements that are not listed below or
22 incorporated into the comprehensive plan elsewhere in this Code are not
23 official elements of the comprehensive plan. If elements of the
24 comprehensive plan conflict, the element most recently adopted shall
25 govern.

26
27 *** *** ***

28 D. Environmental Quality.

- 29
30 1. Anchorage Coastal [ZONE] Management Plan, July 2007
31 [JULY 1979] (AR No. 79-153; AO No. 81-3; AO 2007-
32 effective (month), 2007).

33
34 *** *** ***

35 (AO No. 18-75; AO No. 82-49; AO No. 85-165; AO No. 2000-119(S), § 4, 2-
36 20-01; AO No. 2001-124(S), § 2, 2-20-01; AO No. 2002-68, § 1, 4-23-02; AO
37 No. 2002-119, § 1, 9-10-02; AO No. 2003-74, § 1, 5-20-03; AO No. 2003-129, §
38 2, 10-21-03; AO No. 2005-115, § 3, 10-25-05; AO No. 2006-93(S-1), § 2, 12-12-
39 06)

Section 3. Anchorage Municipal Code section 21.05.130 is amended as follows:

21.05.130 Implementation--Coastal [ZONE] Management Plan.

The following elements of the Anchorage Coastal [ZONE] Management Plan, dated July 2007, [JULY 1979,] are adopted as elements of the comprehensive plan:

- A. In Chapter Two: Section 2.1 - "Anchorage Coastal Zone Boundary"; Section 2.1.1 - "Boundary Clarification"; and Section 2.1.2 - "Designation"; on pages 3-4 [MATERIAL ON PAGE 28 ENTITLED "ANCHORAGE COASTAL ZONE BOUNDARY"].
- B. In Chapter Two: Section 2.4 - [ENTITLED] "Areas Meriting Special Attention" on [(page[S] 4 [29–39])].
- C. In Chapter Three: Section 3.1.2 - [ENTITLED] "Goals and Objectives" on page 8.

["COASTAL MANAGEMENT POLICIES AND GOALS" (PAGES 41--51), WITH THE EXCEPTION THAT THE RECOMMENDED POLICIES UNDER THE HEADING "SELECTED FRESHWATER MARSHES, WETLANDS AND COASTAL MARSHES" (PAGE 46) SHALL READ:

"6. PLANNING, PROGRAMMING AND CONSTRUCTION ACTIVITIES OF THE MUNICIPALITY SHALL RECOGNIZE AND CONSIDER THE NATURAL FUNCTIONS AND VALUES AS DELINEATED IN THE ANCHORAGE WETLANDS MANAGEMENT PLAN.

"7. IN WETLANDS IDENTIFIED FOR DEVELOPMENT, APPROPRIATE MITIGATION TECHNIQUES, AS SPECIFIED IN THE ANCHORAGE WETLANDS MANAGEMENT PLAN, SHALL BE USED TO THE MAXIMUM EXTENT PRACTICABLE.

"8. ALL PUBLIC WORKS ACTIVITIES SUCH AS TRANSPORTATION PROJECTS, UTILITIES, SEWERS AND DRAINAGE ACTIVITIES SHALL AVOID OR MINIMIZE ANY IDENTIFIED ADVERSE IMPACTS UPON FRESHWATER MARSHES AND WETLANDS TO THE MAXIMUM EXTENT PRACTICABLE.

"9. NATURAL FUNCTIONS AND VALUES IDENTIFIED FOR FRESHWATER MARSHES AND WETLANDS IN THE ANCHORAGE WETLANDS MANAGEMENT PLAN SHALL BE PROTECTED AS INDICATED THEREIN."

D. All of Chapter Five - [SECTION ENTITLED] "Enforceable Policies [RECOMMENDATIONS]" on pages 41-43 [(PAGES 55 - 57)].

E. Maps 1, 2, & 3.

[MAP 12, VOL. I AND MAP 12, VOL. II ENTITLED "COASTAL MANAGEMENT ZONE: PRESERVATION" FOUND IN THE ANCHORAGE COASTAL RESOURCE ATLAS, WITH THE EXCEPTION THAT THE DESIGNATION OF FRESHWATER MARSHES AND WETLANDS FOR PRESERVATION IS SUPERSEDED BY WETLANDS DESIGNATED "A" AND SHOWN ON MAP FIGURES 3, 4, 5, 6 AND AS FURTHER DESCRIBED IN TABLE 2 OF THE ANCHORAGE WETLANDS MANAGEMENT PLAN.]

[F. MAP 13, VOLUME I, AND MAP 13, VOLUME II, ENTITLED "COASTAL MANAGEMENT ZONE: CONSERVATION AND UTILIZATION," FOUND IN THE ANCHORAGE COASTAL RESOURCE ATLAS.

G. THE ANCHORAGE WETLANDS MANAGEMENT PLAN SUPERSEDES THE ANCHORAGE COASTAL MANAGEMENT PLAN FOR FRESHWATER WETLANDS WITHIN THE COASTAL MANAGEMENT BOUNDARY.]

(AO No. 85-165; AO No. 95-129, § 4, 3-12-96; AO No. 2006-94, § 2, 7-25-06)

Section 4. The Municipality of Anchorage—Coastal Resources Maps, for the Anchorage Bowl, Chugiak-Eagle River, and Turnagain Arm, updated and revised as part of this plan revision, are included as non-regulatory, technical reference materials.

Section 5. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of August, 2007.


Chair

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2007- 107

Title: An Ordinance of the Anchorage Municipal Assembly Adopting the Anchorage Coastal Management Plan dated July 2007 as an element of the Anchorage Comprehensive Plan, and Amending Anchorage Municipal Code Sections 21.05.030. and 21.05.130. (Planning & Zoning Commission Case No. 2005-067)

Sponsor:

Preparing Agency: Planning Department

Others Impacted: None

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance will not lead to public sector costs or impediments to growth. This plan is a land use and development guide rather than a regulatory document and should have little impact on public uses, activities, or related expenditures within the coastal area. With passage of this plan, the Municipality will continue to receive annual grant funds from the State and will remain eligible for additional special project funds.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no negative impacts on the private sector, especially since the enforceable policies apply almost entirely to public lands. Potential impacts to private land and private sector activities would be considered secondary or insignificant in nature. Most coastal resources on private lands, notably creeks and waterbodies, are already regulated by Title 21 and no additional restrictions are included in this plan.

Prepared by: Thede Tobish, Physical Planning Division

Telephone: 343-7918



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 460-2007

Meeting Date: July 24, 2007

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE ADOPTING THE ANCHORAGE COASTAL
4 MANAGEMENT PLAN DATED JULY 2007 AS AN ELEMENT OF
5 THE ANCHORAGE COMPREHENSIVE PLAN, AND AMENDING
6 ANCHORAGE MUNICIPAL CODE SECTIONS 21.05.030. AND
7 21.05.130.
8
9
10

11 **Background**

12
13 The Assembly is being asked to review and approve a fully revised Anchorage Coastal
14 Management Plan (ACMP). The ACMP has been an element of the Comprehensive Plan
15 since initial adoption in 1981. Alaska's Coastal Management Program requires each
16 participating coastal district to adopt a local plan for management of its coastal resources.
17 The Municipality became an official coastal district of the State with the adoption of the
18 original ACMP. Coastal district status provides the Municipality with a formal "seat at
19 the table" during development and land use project reviews located in the Anchorage
20 coastal boundary.
21

22 As a program participant, state funds are granted to the Municipality for assistance in
23 managing these coastal resources. Anchorage uses these annual grants for salaries,
24 research, special projects and mapping contracts, land use plans, software, and
25 administrative functions. Recent changes in Alaska law require each coastal district to
26 amend its coastal plan. The attached July 2007 revision complies with the amended
27 Alaska Coastal Management Act and new coastal management regulations.
28

29 The ACMP is a collection of geotechnical, hydrologic, land use, and environmental
30 information about Anchorage's coastal areas; it also includes policies for managing these
31 resources. The plan's resource maps and policies historically are incorporated in Title 21
32 and other planning documents, especially comprehensive and sub-area plans. The
33 original ACMP reflected local concerns and strategies about coastal resources, uses, and
34 activities. Key issues addressed in Anchorage's plan were coastal access, preservation of
35 marine industrial uses at the Port, and protection of certain environmental features,
36 including wetlands, streams, and habitats.
37

38 As a participant in the State's program, the Municipality plays a prominent role in land
39 use and development decisions within its coastal boundary. The State's program is
40 implemented by local plans, and requires that Anchorage plan policies receive due

1 deference from state or even federal agencies during their respective permit reviews.

2
3 **Action**

4
5 A draft ACMP underwent public review in January 2006. Then, the ACMP received
6 concept approval by the Planning and Zoning Commission and was submitted to the State
7 in March 2006. The State conducted its own public review of the March draft, made
8 recommendations for the plan to the Commissioner of the Department of Natural
9 Resources (DNR), and the plan was approved in September. The federal oversight
10 agency, the Office of Coastal Resource Management (NOAA/OCRM), also reviewed and
11 approved the plan in February 2007.

12
13 The State's review of the ACMP yielded substantive changes and reductions in
14 Anchorage's policies. In order for the Anchorage plan to be adopted, it has to reflect
15 those changes. The July 2007 version of the plan reflects the Commissioner of DNR's
16 findings. State law requires Anchorage's plan be submitted with Assembly approval by
17 September 1, 2007. Without a local plan, Anchorage is ineligible for annual or special
18 project grant funds and will have a more limited role in federal or state permit reviews.

19
20 Assembly approval of the plan is recommended so the Municipality can remain a
21 program participant. This July version includes changes required by the state's findings.
22 It is possible the plan may be upgraded in the future if changes to the current legislation
23 take place.

24
25 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
26 **ADOPTING THE ANCHORAGE COASTAL MANAGEMENT PLAN DATED**
27 **JULY 2007 AS AN ELEMENT OF THE ANCHORAGE COMPREHENSIVE**
28 **PLAN, AND AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS**
29 **21.05.030. AND 21.05.130.**

30
31
32 Prepared by: Tom Nelson, Director, Planning Department
33 Concur: Mary Jane Michael, Executive Director
34 Office of Economic and Community Development
35 Concur: James N. Reeves, Municipal Attorney
36 Concur: Denis C. LeBlanc, Municipal Manager
37 Respectfully submitted, Mark Begich, Mayor

38
39
40 Attachments: A. Planning and Zoning Commission Resolution No. 2006-010
41 B. Final Recommendation to the State DNR Commissioner dated
42 September 1, 2006
43 C. State DNR Approval Letter dated September 18, 2006
44 D. Federal NOAA/OCRM Approval Letter dated February 7, 2007
45 E. Anchorage Coastal Management Plan Document

Attachment A

MUNICIPALITY OF ANCHORAGE

PLANNING AND ZONING COMMISSION RESOLUTION NO. 2006-010

A RESOLUTION RECOMMENDING CONCEPT APPROVAL OF THE ANCHORAGE COASTAL MANAGEMENT PLAN.

(Case 2005-067)

WHEREAS, the *Anchorage Coastal Management Plan* is an element of the Comprehensive Plan; and

WHEREAS, as required by changes to the State of Alaska Coastal Management Program, the Planning Department undertook a complete revision to the original *Anchorage Coastal Management Plan*; and

WHEREAS, as the original, this revised plan provides a description of Anchorage's coastal boundary, defines and analyzes significant coastal resources, presents goals, enforceable policies, management strategies, and implementation measures for the entire Municipality; and

WHEREAS, in order for the Municipality of Anchorage to retain its standing as an Alaska Coastal District and remain eligible for coastal management program grant funds, it was necessary to completely upgrade the *Anchorage Coastal Management Plan* to be consistent with the new State regulations governing local coastal management as directed by the Alaska Legislature; and

WHEREAS, this new *Anchorage Coastal Management Plan* was anticipated to be the essential implementation strategy and action plan for several *Anchorage 2020* Chapter 5 policies; and

WHEREAS, the Planning Department, in conjunction with its consultant, undertook a year-long analysis of the State's regulations and how these related to the Municipality's Plan and management intent for Anchorage's coastal resources; and

WHEREAS, notice of a December 2005 Concept-Approved Draft Anchorage Coastal Management Plan Revision was published, the Plan was made available on a dedicated website, and a public hearing was held by the Planning and Zoning Commission on February 13, 2006; and

WHEREAS, the Planning and Zoning Commission understands that this draft will be reviewed by the State of Alaska and will come back for additional public review and a Commission hearing prior to being forwarded to the Anchorage Municipal Assembly for final adoption.

NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
 - 1. The December 2005 *Anchorage Coastal Management Plan* represents the essential implementation element of *Anchorage 2020* for several environmental and coastal access policies, administration, and management strategies for the Municipality.
 - 2. This Coastal Management Plan fully updates the 1981 *Anchorage Coastal Management Plan* and introduces new policies, management strategies, and implementation methods, as directed by changed State regulations.
 - 3. The Commission finds that the base December 2005 *Anchorage Coastal Management Plan* document should be amended with additional new text, clarifications, and edits.
 - 4. The Commission acknowledges that this version of the Plan revision is considered a concept approval draft and that the Plan will come back to the Commission for final approval and recommendations before it is sent to the Municipal Assembly for final adoption.
- B. The Commission recommends concept approval of the December 2005 *Anchorage Coastal Management Plan* as a formal amendment to *Anchorage Municipal Code 21.05.030 F. 1.* with the following conditions:
 - 1. That the concept approval *Anchorage Coastal Management Plan* include the December 2005 base plan document with the following items submitted by the Planning Department and/or added as floor

amendments from the February 13, 2006 public hearing as changes with the committee as a whole:


- a. Attachment A submitted by the Planning Department at the February 13, 2006 public hearing.
- b. Four specific text changes included as recommendations from the Park and Recreation Department's comments from their Memorandum of February 8, 2006.
- c. The following ten specific text amendments, clarifications and edits, and new items included as motions and approved with the committee as a whole at the February 13, 2006 public hearing, as described in the meeting minutes (the Commission directed staff to use wording similar to language submitted by Commissioner Pease in her comments memo of February 13, 2006).
 - 1) Add new introductory text in Chapter 3 at section 3.1., which emphasizes the economic value of the natural setting to attract and retain businesses.
 - 2) Add new items in Chapter 3 main text and/or in the list of issues of local concern in section 3.1.1., including:
 - a) Discuss the link between adequate access to the coast and future economic growth and development; to include recreation and health benefits to citizens; higher property values near coastal access areas; the economic boost of recreation events: the attraction to highly-mobile businesses to locate or remain in Anchorage.

- b) Need to document the public value of public access to coastal resources. Cite policies and surveys from *Anchorage 2020-Anchorage Bowl Comprehensive Plan*; *Areawide Trails Plan*; *Anchorage Park, Greenbelt and Recreation Facility Plan*. Also note public efforts to acquire and improve access to coastal resources; e.g. Fish Creek, Rabbit Creek Greenbelt, Lake Otis areas.
 - c) Add a new item about the issue of damage from random access created by unmaintained, informal access points, e.g. along the bluff to the Anchorage Coastal Refuge, where vegetation is lost and erosion is occurring, and other human disturbances to resources.
 - d) Add a new item that notes there is insufficient organized or developed public access to the coast and intentions for trails and access points to the coast are unfulfilled.
- 3) Amend Goal 5 in Chapter 3 to change, "...to the coastal boundary" to "...and within the coastal boundary."
 - 4) Include general observations and specific points about recreation resources to the relevant discussion sections of Chapter 4, including:
 - a) Surveys, statistics, and observations that document levels of use of the Coastal Trail, etc., and add references to commercial and special events; e.g., Midnight Sun Marathon, Tour of Anchorage, etc.

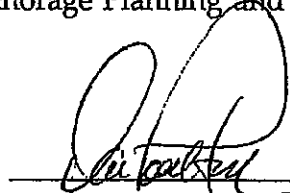
- b) Discussion about population growth and density will funnel more people into coastal areas; e.g., Sand Lake Pits and Potter Valley.
 - c) Enforcement of water quality, construction management practices and drainage areas and non-point source pollution is a problem and state and federal agencies do not have control over cumulative impacts.
 - d) Effects of coastal area developments on recreation, loss of buffers between trails and traffic, pedestrian and trail crossing safety, losses of local wildlife and natural areas, polluted surface water and air quality problems.
- 5) Revised text for section 4.1.12. will have adequate details about the values of each Area Meriting Special Attention (AMSA).
- 6) Add language to Section 4.2.2. with more specifics under several of the headings of uses and activities of concern, including removal of shoreline vegetation at waterbodies, impacts to public recreation and health issues from polluted water, and erosion and flooding impacts to trails and landscaping from storm runoff.
- 7) Add new issues of local concern to section 3.1.1, including:
- a) Random, informal or unmaintained recreation access to coastal areas is impacting resources.
 - b) Invasive species are becoming a local concern.

- c) Cumulative impacts to coastal resources from development are not adequately addressed by state or federal regulations.
 - d) Water quality is impacted by activities not adequately managed, including failing septic systems, construction site sediment controls, etc.
 - e) Local affects of climate changes on resources.
- 8) Titles or headings should be added to the Enforceable Policies in Chapter 5.
 - 9) Amend Enforceable Policy EP-11, item 4. to "Water related uses and activities include uses that provide pedestrian-oriented public access to the shoreline and/or public views from the shoreline, and may include retail stores, commercial activities, restaurants, hotels, trails, and viewing sites.
 - 10) Add language to Enforceable Policy EP-10 that would help minimize disturbance from random, informal access where these are causing erosion, habitat disturbances, water quality problems, etc.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission
this 13th day of February 2006.



Tom Nelson
Secretary



Don Poulton
Chair

Attachment B

**Department of Natural Resources
Office of Project Management and Permitting**

**Final Recommendation on the
Final Plan Amendment (FPA)of the
Municipality of Anchorage Coastal District
Coastal Management Plan**

September 1, 2006

RECOMMENDATION TO THE COMMISSIONER3
SUMMARY FINDINGS3
PLAN ANALYSIS and FINDINGS4

ATTACHMENTS:

- 1. Enforceable Policy Analysis Table**
- 2. Designated Area Analysis Table**

INTRODUCTION

The Municipality of Anchorage coastal district submitted the Final Plan Amendment (FPA) of its Coastal Management Plan on March 1, 2006 per 11 AAC 114.345(g). The Department of Natural Resources, Office of Project Management and Permitting (DNR, OPMP) released the preliminary recommendation for the Municipality of Anchorage final plan amendment on June 26, 2006. OPMP provided a thirty day review and comment period from June 26, 2006 through July 26, 2006. Per 11 AAC 114.345(j), OPMP had thirty days to consider timely comments and negotiate resolution of any issues and to submit a final recommendation to the commissioner. This package of documents represents OPMP's final recommendation to the DNR Commissioner.

Office of Project Management and Permitting Review

The Alaska Coastal Management Program provides standards and regulations that guide or direct development of a district coastal management plan at 11 AAC 112 and 11 AAC 114. The Final Plan Amendment for the Municipality of Anchorage Coastal Management Plan is analyzed against these regulations in these final comments to the commissioner. In accordance with 11 AAC 114.345(k), the commissioner will either (1) approve the request in whole or in part, (2) approve the request if the district makes each change that OPMP requires, (3) identify that the request is outside the scope of the amendments under this section, or (4) disapprove the request in whole or in part.

OPMP's final recommendations for the approvability of each district enforceable policy and each designated area are found in the respective attached tables and summarized on the next page.

FINAL RECOMMENDATION TO THE COMMISSIONER

Per 11 AAC 114.345 (j) OPMP recommends that the DNR Commissioner approve sections of the Municipality of Anchorage's final plan amendment in part.

OPMP recommends **approval** for district enforceable policies: EP-1, EP-2, EP-3, EP-4, and EP-5 if the district makes the required changes as outlined in the District Enforceable Policy Analysis Table.

OPMP recommends **approval** for the following designated area, provided the required changes are made: Recreation.

OPMP **does not recommend approval** for district enforceable policy:, IH-1, IH-2, IH-3, IH-4, and IH-5

OPMP **does not recommend approval** for the following designated area: Important habitat.

In addition, OPMP finds that the Municipality of Anchorage Coastal Management Plan includes all of the sections as required in 11 AAC 114.345 and as listed below.

<u>Location in Plan</u>		
11 AAC 114.200	Issues, Goals and Objectives	Chapter 3
11 AAC 114.210	Organization	Chapter 1
11 AAC 114.220	Coastal Zone Boundaries	Chapter 2
11 AAC 114.230	Resource Inventory	Chapter 4
11 AAC 114.240	Resource Analysis	Chapter 4
11 AAC 114.250	Subject Uses, Uses and Designations	Chapter 4
11 AAC 114.260	Proper and Improper Uses and Activities	Chapter 5,6
11 AAC 114.270	District Enforceable Policies	Chapter 5
11 AAC 114.280	Implementation	Chapter 6
11 AAC 114.290	Public Participation	Chapter 6

OPMP recommends approval of these sections as meeting the requirements of 11 AAC 114.200 -114.290.

PLAN ANALYSIS AND FINDINGS

State Regulation **11 AAC 114.200 ISSUES, GOALS, AND OBJECTIVES**

FINDING:

OPMP finds that the Issues, Goals, and Objectives section of the FPA is approved based on the requirements of the regulations.

State Regulation **11 AAC 114.210 ORGANIZATION**

FINDING:

OPMP finds that the section of the FPA is approved based on the requirements of the regulations.

State Regulation **11 AAC 114.220 COASTAL ZONE BOUNDARIES**

FINDING:

OPMP finds that the Coastal Zone Boundaries section of the FPA is approved based on the requirements of the regulations.

State Regulation **11 AAC 114.230 RESOURCE INVENTORY**

FINDING:

OPMP finds that sections of the Resource Inventory chapter of the FPA are approved based on the requirements of the regulations for specific policies.

State Regulation **11 AAC 114.240 RESOURCE ANALYSIS**

FINDING:

OPMP finds that sections of the Resource Analysis chapter of the FPA is approved based on the requirements of the regulations for specific policies.

State Regulation **11 AAC 114.250 SUBJECT USES, ACTIVITIES, AND DESIGNATIONS**

FINDING:

OPMP finds that the Subject Uses, Activities, and Designations section of the FPA is approved based on the requirements of the regulations.

State Regulation
11 AAC 114.260 PROPER AND IMPROPER USES

FINDING:

OPMP finds that the Proper and Improper Uses section of the FPA is approved based on the requirements of the regulations.

State Regulation
11 AAC 114.270 DISTRICT ENFORCEABLE POLICIES

FINDING:

OPMP finds that the District Enforceable Policy section of the FPA is approved based on the requirements of the regulations.

State Regulation
11 AAC 114.280 IMPLEMENTATION

FINDING:

OPMP finds that the Implementation chapter of the FPA is approved based on the requirements of the regulations.

State Regulation
11 AAC 114.290 PUBLIC PARTICIPATION

FINDINGS:

OPMP finds that the Public Participation chapter of the FPA is approved based on the requirements of the regulations.

Attachment C

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

FRANK H. MURKOWSKI, GOVERNOR

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September 18, 2006

The Honorable Mayor Mark Begich
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 995119

RE: DNR Commissioner Approval of District Final Plan Amendment

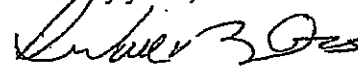
Dear Mayor Begich:

Thank you for submitting the Municipality of Anchorage's revised coastal management program to the Department of Natural Resources (DNR) for our review. In accordance with 11 AAC 114.345(k), and based on DNR's Office of Project Management and Permitting's (OPMP) recommendations, the Commissioner of DNR approved the Municipality of Anchorage's Final Plan Amendment on September 15, 2006. I congratulate you, your coastal coordinator, and the Municipality of Anchorage in reaching and succeeding at this important milestone, and applaud the Municipality's efforts in working with OPMP to obtain approval on the Final Plan Amendment.

While DNR has approved the Municipality of Anchorage's Final Plan Amendment, the plan does not yet take effect. OPMP must submit the approved Final Plan Amendment to the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management (OCRM) for their review and approval. OPMP will submit your approved Final Plan Amendment to OCRM by October 16, 2006. In addition, the Municipality of Anchorage must approve or disapprove the approved Final Plan Amendment within 90 days following the DNR Commissioner's approval, and generally after the OCRM review and approval. The Municipality of Anchorage has until December 15, 2006, to approve the Final Plan Amendment, unless the United States Department of Commerce has not fully approved the plan amendment under 16 U.S.C. 1455.

Again, congratulations on your approved Final Plan Amendment. If you have any questions about the process, please contact Jackie Brock at (907) 465-3177.

Sincerely yours,



Randy Bates
Acting Director

cc: Thede Tobish, Coastal Coordinator

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

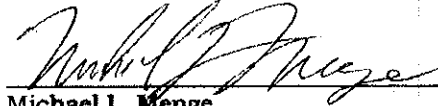
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The Commissioner of the Department of Natural Resources finds that the Municipality of Anchorage Coastal Management Plan meets the requirements of AS 46.39, AS 46.40, 11 AAC 112 and 11 AAC 114 for coastal management plans, and pursuant to 11 AAC 114.345(k)(1), approves the plan in part, adopting by reference the findings and conclusions set forth in the September 1, 2006, recommendation of the Office of Project Management and Permitting.

Sept 15, 2006

Date



Michael L. Menge
Commissioner

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

Attachment D



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

FEB - 7 2007

Randy Bates
Acting Director
Alaska Coastal Management Program
Office of Project Management and Permitting
Department of Natural Resources
302 Gold Street, Suite 202
Juneau, Alaska 99811-1030

Dear Mr. Bates:

Thank you for the Department of Natural Resource's January 5, 2007, request that changes to the Municipality of Anchorage district coastal management plan (district plan) be incorporated into the Alaska Coastal Management Program (CMP). You requested that changes to the Municipality of Anchorage district plan as described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on January 9, 2007, and OCRM's decision deadline was extended until February 8, 2007.

Based on our review of your submission, we concur that the changes to the Municipality of Anchorage district plan are RPCs and we approve the incorporation of the changes as enforceable policies of the Alaska CMP. Federal Consistency will apply to the approved changes only after the state has taken its final approval action and you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

SECTIONS APPROVED

Name/Description of State Law/Regulation/Policy Added or Removed from CMP (all sections are added to CMP unless noted otherwise). The entire District plan is incorporated into the ACMP; below are the enforceable policies in the District plan.	State Legal Citation – District Enforceable Policies are Contained in the District Plan, Chapter 5, "Enforceable Policies"*	Date Adopted by State	Date Effective in State
Uses and Activities and Setbacks The following uses area [sic] allowed and considered appropriate in the Recreation Use Area: primary and secondary structures, utilities and transportation features, direct access to streams or waterbodies or to accommodate water-dependent and/or water-related uses, habitat enhancement or restoration projects, land clearing for approved developments, impervious surfaces, clearing of native or other vegetation, removal of dead or	BP-1 as authorized by 11 AAC112.200(b), 11 AAC 114.250(c), 11 AAC 114.270(h)(1)(A), 11 AAC 114.270(h)(1)(B), 11 AAC 114.270(h)(1)(C), and 11 AAC 114.270(h)(1)(D)	09/15/06	TBD*



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<p>decaying trees that threaten public or private property or health and safety. These uses are permitted provided they meet the following required conditions [and relevant Municipal regulations]:</p> <p>(a) A 50-foot setback from the Ordinary High Water (OH) of streams and/or waterbodies, as depicted on Maps 1, 2, & 3, unless there is no practicable alternative location for the use or activity.</p> <p>(b) For streams of waterbodies with contiguous wetlands, setback distances shall follow those defined in Table 2 of the <u>Anchorage Wetlands Management Plan</u> (See Appendix) which vary from 25' to 200'.</p>			
<p>Buffering and Screening</p> <p>(A) For commercial, industrial, or institutional projects and associated activities within 200-feet of streams or waterbodies within the Recreation Use Area Designation, as shown on Maps 1, 2, & 3 or in Table 2 of the <u>Anchorage Wetlands Management Plan</u> (see Appendix), natural or landscaped vegetative buffers (with non-invasive species) or other screening measures shall be required <u>specifically</u> where the project site parallels or abuts, but lies outside, the stream or waterbody setbacks cited in EP-1.</p> <p>(B) Requirements for the size and extent of buffers or screening measures: <u>At a minimum these site-specific buffers or screens shall be 10' wide if composed of vegetation.</u></p>	EP-2, as authorized by 11 AAC 114.250(c), 11 AAC 114.270(h)(1)(A), 11 AAC 114.270(h)(1)(B), 11 AAC 114.270(h)(1)(C), and 11 AAC 114.270(h)(1)(D)	09/15/06	TBD
<p>Waterfront Development</p> <p>In accordance with 11 AAC 112.200:</p> <p>(A) Water-dependent Uses and Activities within the Municipality of Anchorage include: docks; boat ramps and launches; marinas, including wet-boat storage; boat fueling facilities, piers, wharfs, and mooring pilings; fish processing facilities and hatcheries; water-based tourism facilities and accessory attached housing; and transportation-related structures dependent on water access.</p>	EP-3, as authorized by 11 AAC 112.200, 11 AAC 114.270(h)(1)(A), 11 AAC 114.270(h)(1)(B), 11 AAC 114.270(h)(1)(C), and 11 AAC 114.270(h)(1)(D)	09/15/06	TBD

Name/Description of State Law/Regulation/Policy Added or Removed from CMP (all sections are added to CMP unless noted otherwise). The entire District plan is incorporated into the ACMP; below are the enforceable policies in the District plan.	State Legal Citation – District Enforceable Policies are Contained in the District Plan, Chapter 5, "Enforceable Policies"*	Date Adopted by State	Date Effective in State
(B) Water-related Uses and Activities within the Municipality of Anchorage include: retails [sic] stores and commercial activities such as hotels, restaurants, pedestrian-oriented access, and other similar uses that provide access to and/or views of the shoreline.			
Coastal Access (A) Development shall not interfere with existing legal public access to, or use of, the waterfront where such access or use has been established through acquisition, donation, dedication, or prescriptive easement. (B) New subdivisions shall be designed to maintain or enhance public access to, from, and along coastal waters within the coastal zone where practicable.	EP-4, as authorized by 11 AAC112.220, 11 AAC 114.270(h)(1)(A), 11 AAC 114.270(h)(1)(B), 11 AAC 114.270(h)(1)(C), and 11 AAC 114.270(h)(1)(D)	09/15/06	TBD
Capital Improvements (A) Capital improvements on non-federal, publicly owned property shall incorporate walkways, shelters, viewing platforms, and landscaping whenever practicable to enhance public access to coastal waters.	EP-5, as authorized by 11 AAC112.220, 11 AAC 114.270(h)(1)(A), 11 AAC 114.270(h)(1)(B), 11 AAC 114.270(h)(1)(C), and 11 AAC 114.270(h)(1)(D)	09/15/06	TBD

*The Municipality of Anchorage district plan's enforceable policies are enforced through ordinances adopted as part of the Municipality's land use regulations and through state regulation at 11 AAC 114.270, 11 AAC 110.255, 11 AAC 110.990(a)(27)(B), and 11 AAC 112.020(b).

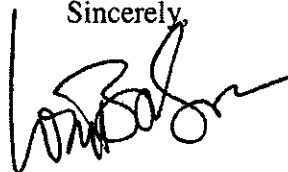
**To be determined. District plans become effective after OCRM approval and further State action.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Helen Bass at (301) 713-3155, extension 175, if you have any questions.

Sincerely,



John King, Chief
Coastal Programs Division



Content Information**Content ID :** 005262**Type:** Ordinance - AO

Title: An Ordinance Adopting the Anchorage Coastal Management Plan
Dated July 2007 as an Element of the Anchorage Comprehensive
Plan, and Amending Anchorage Municipal Code Sections 21.05.030.
And 21.05.130.

Author: perrysu**Initiating Dept:** Planning

Description: Ordinance for Adoption of Anchorage Coastal Management Plan July
2007

Keywords: Anchorage Coastal Management Plan July 2007**Date Prepared:** 7/13/07 2:41 PM**Director Name:** Tom Nelson**Assembly****Meeting Date** 7/24/07**MM/DD/YY:**

Public Hearing 8/14/07 8/28/07
Date MM/DD/YY:

M.O.A.
2007 JUL 19 PM 4:03
CLERK'S OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	7/13/07 2:47 PM	Checkin	perrysu	Public	005262
Planning_SubWorkflow	7/13/07 6:01 PM	Approve	nelsontp	Public	005262
ECD_SubWorkflow	7/16/07 1:28 PM	Approve	thomasm	Public	005262
OMB_SubWorkflow	7/16/07 3:47 PM	Approve	mitsonjl	Public	005262
Legal_SubWorkflow	7/16/07 4:45 PM	Approve	fehlenrl	Public	005262
MuniManager_SubWorkflow	7/19/07 3:22 PM	Approve	abbottmk	Public	005262
MuniMgrCoord_SubWorkflow	7/19/07 3:22 PM	Approve	abbottmk	Public	005262



CONSENT AGENDA - INTRODUCTION