

MUNICIPALITY OF ANCHORAGE




Planning Department

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Mayor Dave Bronson

Director's Interpretation Memo 2024-01

DATE: March 13, 2024
TO: Planning Department
FROM:  Craig H. Lyon, Planning Director
SUBJECT: Definition of Natural Resource Extraction

This memo is intended be used in conjunction with Title 21 to identify when a project exceeds site preparation parameters under a building permit and is considered a natural resource extraction requiring a conditional use permit in addition to the building or land use permit.

AMC 21.05.060B.6. defines *Natural Resource Extraction, Organic and Inorganic* as “*The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations in which rock byproduct is removed from the premises. This use also includes commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 50,000 cubic yards or more of material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.*”

The MOA Department of Law affirms that Supreme Court opinions and the definition of natural resource extraction indicate only the removal of material is relevant when evaluating potential projects as a natural resource extraction use.

The MOA Department of Law recommends that the Planning Department no longer consider the amount of fill to be brought into a site when deciding if development activities constitute natural resources extraction; therefore, the Planning Director affirms that:

- Projects which include the removal of 50,000 cubic yards or more of material and are not under a subdivision agreement or part of the development of a subdivision are considered a natural resource extraction use and require a conditional use permit in addition to the building or land use permit.
- Projects which include 50,000 cubic yards or more of fill are considered land reclamation under current Title 21 and require either an administrative site plan review or conditional use permit as specified in AMC 21.06.060E.5.b.
- “Old” Title 21 (prior to January 1, 2014) does not have a land use designation for land reclamation; therefore, there is no limit for fill on projects subject to the “Old” Title 21.