

Submitted by: Chair Gray-Jackson at the
Request of the Mayor
Prepared by: Planning Department
For reading:

ANCHORAGE, ALASKA
AO NO. 2017-

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE (NEW CODE) SUBSECTION 21.05.010E., TABLE OF ALLOWED USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS, AND SUBSECTION 21.05.060D., WAREHOUSE AND STORAGE, TO REDUCE REGULATIVE OBSTACLES FOR THE PORT OF ANCHORAGE, AND WAIVING PLANNING AND ZONING COMMISSION PROMULGATION AUTHORITY FOR THIS REGULATION PER AMC (NEW CODE) SUBSECTION 21.03.210B.5.D.

(CASE 2017-0076)

WHEREAS, the Port of Anchorage is the primary location where fuels and other hazardous materials are imported into the State of Alaska, and

WHEREAS, this activity requires bulk storage and distribution facilities for these materials, and

WHEREAS, Title 21 (New Code) made the bulk storage of hazardous materials a conditional use in the I-2 zone and imposed a 1,000-foot setback from any adjacent residential district, school, hospital, or park, and

WHEREAS, these requirements, which did not exist under the Old Code, would require a zoning variance and conditional use for any new improvements to fuel storage tanks in the I-2 zoned area of the Port of Anchorage, and

WHEREAS, these requirements are unduly restrictive for the Port of Anchorage to perform its core functions, and

WHEREAS, the Planning Director has notified the Planning and Zoning Commission of the proposed amendment to provide the Commission opportunity to forward its opinion on the amendment to the Assembly for consideration; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.05.010E., *Table of Allowed Uses – Residential, Commercial, Industrial, and Other Districts*, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

1
2
3 **E. TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL,**
4 **AND OTHER DISTRICTS**
5

6 In the table, change the Bulk Storage of Hazardous Materials use-type from “C”
7 to “S/C” in the I-2 district.

8 *** **

9 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2013-139, § 1, 1-28-
10 14; AO No. 2014-58, § 2(Att. A), 5-20-14; AO No. 2015-133(S), § 3(Exh. A), 2-
11 23-16; AO No. 2015-142(S-1), § 3(Exh. B), 6-21-16; AO No. 2016-3(S), §§ 6, 7,
12 2-23-16; AO No. 2016-131, § 1, 11-15-16; AO No. 2016-136, § 2, 11-15-16; AO
13 No. 2016-156, § 1, 12-20-16)

14
15 **Section 2.** Anchorage Municipal Code section 21.05.060D., *Warehouse and Storage*, is
16 hereby amended to read as follows (*the remainder of the section is not affected and therefore*
17 *not set out*):

18 **D. Warehouse and Storage**

19 This category includes uses involved in the storage or movement of goods for
20 themselves or other firms. Goods are generally delivered to other firms or the
21 final consumer, except for some will-call pickups. There is little on-site sales
22 activity with the customer present. Accessory uses may include office, limited
23 retail sales, truck fleet parking, and maintenance areas. Specific use types
24 include:

25
26 **1. Bulk Storage of Hazardous Materials**

27 **a. Definition**

28 An establishment primarily engaged in the bulk storage and/or
29 distribution of hazardous materials, including liquefied fuel such as
30 petroleum gas, for wholesale sale. “Hazardous Materials” is
31 defined at AMC 16.110.020.

32
33 **b. Use-Specific Standard**

34 In the I-1 and I-2 districts, [A]any new facilities for the storage and/or
35 dispersion of hazardous materials, or expansion of existing facilities
36 for the storage and/or dispersing of hazardous materials, shall
37 occur at least 1,000 feet from a residential district, school, hospital,
38 or park, except the I-2 district within the Port of Anchorage Security
39 Area, which shall require administrative site plan approval, wherein
40 public health hazards and viewsheds for the Government Hill
41 Neighborhood shall be evaluated.

42
43 *** **

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 2,
7-28-15; AO No. 2015-131, § 3, 1-12-15; AO No. 2016-131, § 2, 11-15-
16)

Section 3. Notwithstanding the authority vested in the Planning and Zoning Commission to promulgate regulations implementing Title 21 under AMC (new code) section 21.02.030C.1., the Assembly approves adoption of the regulation amendments in this ordinance.

Section 4. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2017.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM -2017

Meeting Date: _____

1 **From: MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **(NEW CODE) SUBSECTION 21.05.010E., TABLE OF ALLOWED**
5 **USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER**
6 **DISTRICTS, AND SUBSECTION 21.05.060D., WAREHOUSE AND**
7 **STORAGE, TO REDUCE REGULATIVE OBSTACLES FOR THE**
8 **PORT OF ANCHORAGE, AND WAIVING PLANNING AND ZONING**
9 **COMMISSION PROMULGATION AUTHORITY FOR THIS**
10 **REGULATION PER AMC (NEW CODE) SUBSECTION**
11 **21.03.210B.5.D.**
12
13

14 This ordinance amends regulations in AMC Title 21, *Land Use Planning*, that are
15 overly restrictive to the Port of Anchorage (POA). The current regulations require
16 fuel tanks at the POA to be 1,000 feet away from residential districts, schools,
17 hospitals, and parks. The problem is that part of the POA lies within 1,000 of
18 those protected land uses, which necessitates the POA having to obtain
19 approval of a zoning variance for changes to existing fuel tanks and construction
20 of new ones. Additionally, a conditional use permit is currently required within
21 the I-2 district area of the POA for fuel tanks.
22

23 This ordinance eliminates the 1,000 separation requirement for the “bulk storage
24 of hazardous materials” use type at the POA. This ordinance also changes the
25 conditional use requirement for I-2 zoned lands to an administrative site plan
26 review with two new standards of approval intended to address compatibility
27 issues with the Government Hill Neighborhood.
28

29 The Planning Director has notified the Planning and Zoning Commission of the
30 proposed amendment to provide the Commission opportunity to forward its
31 opinion on the amendment to the Assembly for consideration.
32
33

34 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

35
36 Prepared by: Francis McLaughlin, Senior Planner
37 Approved by: Hal H. Hart, Planning Director
38 Concur: Lance R. Wilber, Director
39 Office of Management and Budget

1 Concur: Christopher M. Schutte, Executive Director
2 Office of Economic and Community Development
3 Concur: William D. Falsey, Municipal Attorney
4 Concur: Michael K. Abbott, Municipal Manager
5 Respectfully submitted: Ethan A. Berkowitz, Mayor

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2017-

Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE (NEW CODE) SUBSECTION 21.05.010E., TABLE OF ALLOWED USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS, AND SUBSECTION 21.05.060D., WAREHOUSE AND STORAGE, TO REDUCE REGULATIVE OBSTACLES FOR THE PORT OF ANCHORAGE, AND WAIVING PLANNING AND ZONING COMMISSION PROMULGATION AUTHORITY FOR THIS REGULATION PER AMC (NEW CODE) SUBSECTION 21.03.210B.5.D.**

Sponsor: Mayor
 Preparing Agency: Planning Department
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES: (In Thousands of Dollars)

	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -				

Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -				

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant impact on the public sector. No additional public expenditures are required.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant impact on the private sector. No private expenditures are required.

Prepared by: Francis McLaughlin Telephone: 343-8003

Municipality of Anchorage

MEMORANDUM

DATE: April 10, 2017

TO: Planning and Zoning Commission

THRU:  Hal H. Hart, Director, Planning Department

FROM:  Francis McLaughlin, Senior Planner

SUBJECT: Technical Amendments to AMC 21.05.010E. and 21.05.060D.
21.06.030C.

With this memorandum, the Director wishes to notify the Planning and Zoning Commission that the department will forward technical amendments to Title 21 directly to the Assembly as a corrective action, in accordance with AMC 21.03.210B.5.d.

Enclosed is an ordinance amending AMC 21.05.010E., *Table of Allowed Uses – Residential, Commercial, Industrial, and Other Districts*, and AMC 21.05.060D., *Warehouse and Storage*. These amendments address an unintended consequence of the final re-write of Title 21 (New Code) for the “Bulk Storage of Hazardous Materials” use-type at the Port of Anchorage (POA). The New Code requires conditional use approval as well as a zoning variance in order to locate new fuel storage tanks at the POA.

This summer, the POA plans to expand the number of fuel tank storage facilities in their I-2 (heavy industrial) zoned property. Fuel tanks are classified in Title 21 as “Bulk Storage of Hazardous Materials.” In the I-2 district, the New Code requires approval of a conditional use permit to renovate existing fuel storage facilities and to add new ones. The New Code also requires a 1,000-foot separation distance from residential districts, schools, hospitals, and parks. This use-type was a by-right permitted use in the Old Code. The New Code requirements have a severe impact on the POA’s operations as most of the area lies within 1,000 feet of the Government Hill Neighborhood.

The department wants to encourage industrial development in the I-2 district, particularly at the POA, where goods and services have state-wide importance. Therefore, the department recommends amending the New Code to change this use-type from a conditional use to an administrative site plan review, subject to two new standards of approval dealing with public health hazards and disruption of viewsheds from the Government Hill Neighborhood. The department also recommends exempting the POA from the 1,000 separation distance requirement. Note that “Bulk Storage of Hazardous Materials” was a permitted use in the Old Code and had no separation distance requirement. Furthermore, the department researched six other cities (Seattle, WA; Tacoma, WA; Portland, OR; Boulder, CO; Juneau, AK; and Asheville, NC) and found that this use-type was a permitted use with no separation distance requirement in all of them. The proposed amendment only applies to the POA Security

Area and does not change how this use-type is regulated elsewhere in the Municipality. The proposed change still requires an administrative site plan approval with two new standards aimed at protecting life-safety and viewsheds for the affected neighborhood.

POA staff met with representatives of the Government Hill Community Council to share their plans for expansion of the fuel tanks this summer. The two primary concerns expressed were to maintain the view the neighborhood currently has, over the tops of the tanks, of Cook Inlet and the mountain ranges, as well as hazard mitigation plan for the installation and operations associated with the tanks.



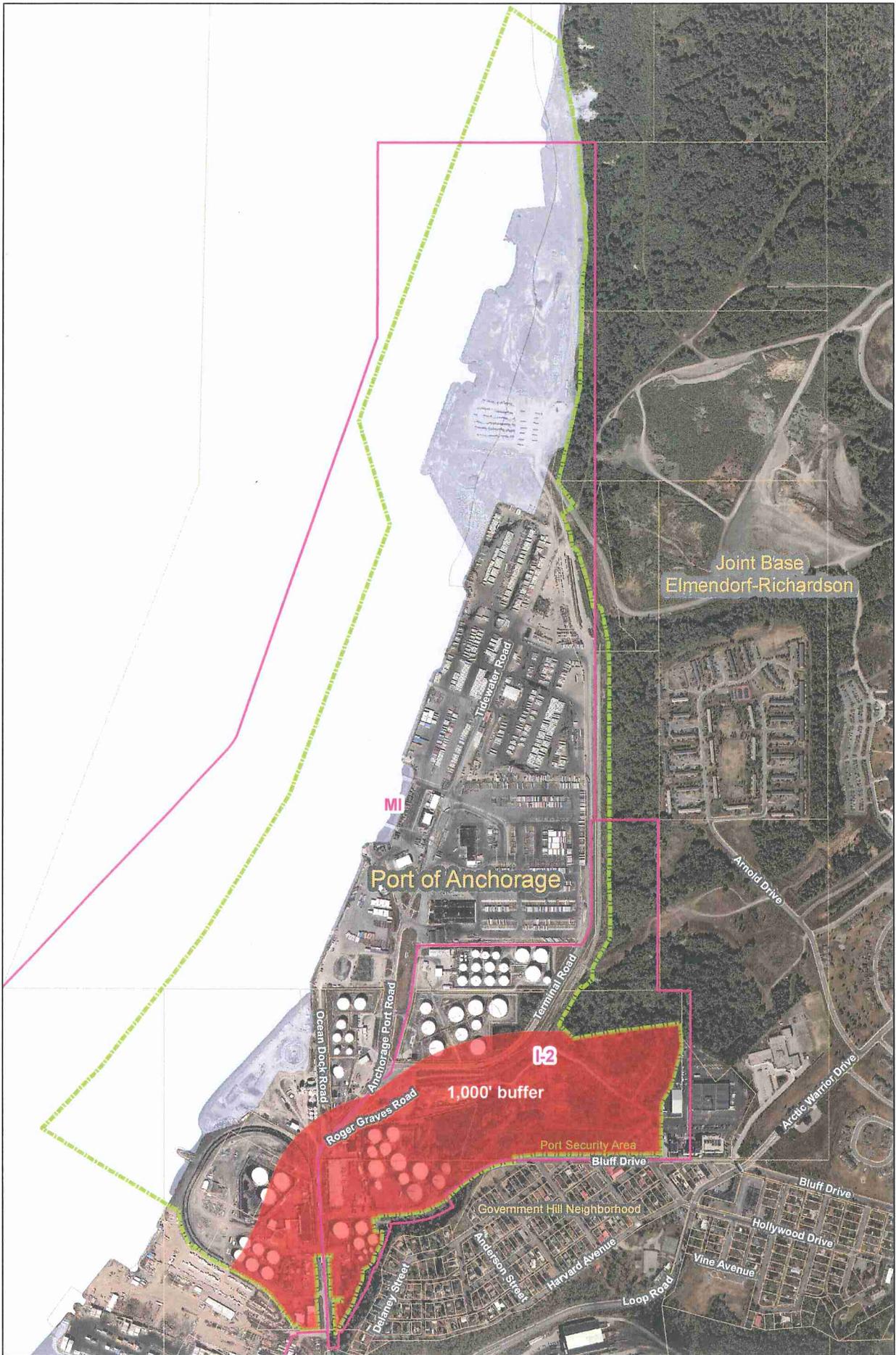
Joint Base
Elmendorf-Richardson

Port of Anchorage

1,000' buffer

Port Security Area

Government Hill Neighborhood



Joint Base
Elmendorf-Richardson

MI
Port of Anchorage

1,000' buffer

Port Security Area

Government Hill Neighborhood