

Icy Bay - Cape Suckling

Chapter 7 of the

City and Borough of Yakutat Comprehensive Development Plan



Upper Kikluh - Vitus Lake

June 2004

Acknowledgements

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7.0 Icy Bay - Cape Suckling area of City and Borough of Yakutat

Chapters 1 through 6 of the Yakutat Comprehensive Development Plan cover growth and development in the Yakutat Borough, from Cape Fairweather to Icy Bay. This was the original Borough, incorporated in 1992. Chapter 7 adds the Icy Bay to Cape Suckling part of the Borough to the Comprehensive Development Plan, which was annexed in 1997. Land ownership and management, the natural environment, the economy, coastal development and land use, community facilities, transportation and Borough land policies for this area are all found in Chapter 7.

7.1 How to Use This Chapter

The Yakutat Comprehensive Development Plan is a policy document that presents a long range "blueprint" to guide growth in the Borough, and for chapter 7, in the Icy Bay to Cape Suckling area. The Plan and this chapter are not law in and of itself, but are implemented through a variety of legal, regulatory, or volunteer measures. Zoning and Capital Improvement Planning (CIP) are two of the most common tools used to implement the comprehensive plan. Zoning guides and controls land use and CIPs and related funding help build needed borough infrastructure and accomplish desired development. Accordingly, this chapter includes a Future Growth Map that sets out direction for future zoning and capital improvements. Another way this Plan is implemented is during the Planning Commission's regular review of zoning permits, which includes an analysis of whether proposed projects are compatible, or can be made compatible, with the Comprehensive Plan's vision, policies and Future Growth Map.

Most development projects on private, Native Corporation and State land (including University and Alaska Mental Health Trust), particularly those that include some type of built structure, are subject to Borough zoning and typically will need either a zoning compliance permit or a conditional use permit¹. Both permits can be obtained by the project developer from either the Yakutat Planning Commission (which meets monthly) or from the Borough planner.

Matters are somewhat different for the federal government and for projects on federal land. While there is no law per se stating that the federal government does not have to follow municipal plans or zoning, as the supreme government of Alaska, the federal government does not have to comply with any legislation that conflicts or frustrates a federal law or federal interest. Thus, as a practical matter, the federal government is exempt from local government planning and zoning. However, a home rule municipality, such as the City and Borough of Yakutat, can enact legislation (such as zoning) that doesn't conflict or frustrate federal law. The best course of action to avoid conflicts and litigation on all parts is for the federal government or

¹ This is true on State land unless there is an overriding State interest.