WHEREAS, in response to increasing water quality and floodplain issues in Anchorage streams, the Municipality adopted the original stream protection ordinance in 1984, which established a 25’ setback and regulations for all streams; and

WHEREAS, over the ensuing years, national trends in the science of water quality and stream protection generally identified that larger setbacks are more effective at maintaining water quality, protecting stream habitats and reducing floodplain and storm event impacts; and

WHEREAS, increased setback widths have also been shown to protect private property from flooding and icing and potentially reduce flood hazard insurance premiums: and

WHEREAS, during the public hearing process for the adoption of the new Title 21, the stream protection setback issue drew considerable public interest and testimony; and

WHEREAS, in response to this public interest and with the complications of applying alternative stream setback widths, the Assembly adopted the new Title 21 with a placeholder in new Section 21.07.020. B.1., which directed the Planning and Project Management and Engineering Departments to further evaluate options for setback widths and related regulations and provide a new recommendation at a later date; and

WHEREAS, during the 2040 Land Use Plan adoption process, the ecological and economic value and importance of urban stream channel restoration projects was identified and highlighted in the Plan; and
WHEREAS, these departments did additional setback width research and evaluated potential impacts of these to streamside properties and drafted a new suite of stream channel setbacks; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code table 21.02-1., Table 21.02.02-1., Summary of Major Title 21 Decision-Making and Review Responsibilities is hereby amended to read as follows (The remainder of the section is not affected and therefore not set out):

| Table 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES |
|--------------------------------------|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Section                              | ASBLY             | PZC             | UDC             | PB              | ZBEA            | BOA             | MS              |
| Alcohol—Special Land Use Permit      | 21.03.040         | D-H/A<sup>1</sup> |                 |                 |                 |                 | R/D<sup>1</sup> |
| Certificates of Zoning Compliance    | 21.03.060         |                 |                 |                 | A               | D               |                 |
| Comprehensive Plan Amendments       | 21.03.070C<sup>1</sup> | D-H<sup>2</sup> | R-H<sup>2</sup> |                 |                 |                 | R               |
| Conditional Uses                     | 21.03.080         | D-H             |                 | A               | R               |                 |                 |
| Flood Hazard Permits                 | 21.03.090         |                 |                 | A               | D               |                 |                 |
| Land Use Permits                     | 21.03.100         |                 |                 | A<sup>3</sup>   | A<sup>3</sup>   | D               |                 |
| Marijuana—Special Land Use Permit and associated variances | 21.03.105         | D-H             |                 |                 |                 |                 | R               |
| Master Plan, Institutional           | 21.03.110A<sup>1</sup> | D-H           | R-H             |                 |                 |                 | R               |
| Minor Modifications                  | 21.03.120         | D<sup>4</sup>   | D<sup>4</sup>   | A<sup>3</sup>   | A<sup>3</sup>   | D<sup>4</sup>   |                 |
| Neighborhood or District Plans       | 21.03.130         | D-H             | R-H             |                 |                 |                 | R               |
| Public Facility Site Selection       | 21.03.140         | D-H<sup>/A-H<sup>6</sup></sup> | R-H<sup>/D-H<sup>6</sup></sup> |                 |                 |                 | R               |
| Rezonings (Map Amendments)           | 21.03.160         | D-H             | R-H             |                 |                 |                 | R               |
| Sign Permits                         | 21.03. 170        |                 |                 | A               | D               |                 |                 |
| Site Plan Review, Administrative     | 21.03. 180C<sup>1</sup> |                 |                 |                 |                 |                 | D               |
| Site Plan Review, Major              | 21.03. 180D<sup>1</sup> | D-H<sup>7</sup> | D-H<sup>7</sup> |                 | A               | R               |                 |
| Street Review                        | 21.03. 190B<sup>1</sup> | R<sup>/D</sup> | R<sup>/D</sup> |                 |                 |                 | R               |
| Trail Review                         | 21.03.190C<sup>1</sup> |                 |                 | R/D             |                 |                 | R               |
| Preliminary Plat                     | 21.03. 200C.5<sup>1</sup> | D-H<sup>8</sup> | D-H<sup>8</sup> | D-H<sup>8</sup> | A               | R               |                 |
### TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

**NOTE:** This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

<table>
<thead>
<tr>
<th>Section</th>
<th>ASBLY</th>
<th>PZC</th>
<th>UDC</th>
<th>PB</th>
<th>ZBEA</th>
<th>BOA</th>
<th>MS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbreviated Plat</td>
<td>21.03</td>
<td>200D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Commercial Tract Plat</td>
<td>21.03.200E</td>
<td></td>
<td>D-H</td>
<td>D-H</td>
<td>D-H</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>Title 21, Text Amendments</td>
<td>21.03</td>
<td>210</td>
<td>D-H</td>
<td>R-H</td>
<td>R-H</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>Vacation of Public and Private Interest in Land</td>
<td>21.03.230</td>
<td></td>
<td>D</td>
<td>or</td>
<td>D</td>
<td>D-H</td>
<td></td>
</tr>
<tr>
<td>Variances from the provisions of</td>
<td>21.03</td>
<td>240</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>R</td>
</tr>
<tr>
<td>Variances from the provisions of</td>
<td>21.03</td>
<td>240</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

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<thead>
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<th>Section</th>
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<th>UDC</th>
<th>PB</th>
<th>ZBEA</th>
<th>BOA</th>
<th>MS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A = APPEAL = Authority to Hear and Decide Appeals</td>
<td>D = DECISION = Responsible for Review and Final Decision</td>
<td>H = HEARING = Public Hearing Required</td>
<td>R = REVIEW = Responsible for Review and/or Recommendation Only</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Variance from

the district-specific standards of
21.04, Zoning Districts;
21.09.040, Zoning Districts;
21.10.040, Zoning Districts.

the use-specific standards of
21.05, Use Regulations (except subsection
21.05.040K., Telecommunication Facilities,
and section 21.05.055 Marijuana
Establishments);
21.09.050, Use Regulations;
21.10.050, Use Regulations.

21.07, Development and Design Standards
(except 21.07.020B., Water Course, Water
Body, and Wetland Protection; 21.07.020C.,
Steep Slope Development, 21.07.050, Utility
Distribution Facilities, and 21.07.060,
Transportation and Connectivity);

Those subsections of section 21.09.070, Site
Development and Design Standards, not
reserved to the platting authority or the
zoning board of examiners and appeals;
21.09.080, Building Design Standards;
21.10.070, Development and Design
Standards (except 21.10.070B.,
Transportation and Connectivity);

21.11, Signs

Administrative Variances

21.03.240J. | A | D |

Verification of Nonconforming Status

21.03.250 | A | D |

Section 2. Anchorage Municipal Code section 21.02.040 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.02.040 Urban Design Commission

A. Decision-Making Authority

The urban design commission has decision-making authority over the following:

6. Variances from:

a. The district-specific standards of chapter 21.04, Zoning Districts, section 21.09.040, Zoning Districts, and
section 21.10.040, Zoning Districts;

b. The use-specific standards of chapter 21.05, Use Regulations (except subsection 21.05.040K., Telecommunication Facilities), section 21.09.050, Use Regulations, and section 21.10.050, Use Regulations;


d. Those provisions of section 21.09.070, Site Development and Design Standards, for which variance authority is not given to the platting authority or the zoning board of examiners and appeals;

e. Section 21.09.080, Building Design Standards;

f. Section 21.10.070, Development and Design Standards (except subsection 21.10.070B., Transportation and Connectivity); and

g. Chapter 21.11, Signs; and

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 2, 5-14-15)

Section 3. Anchorage Municipal Code section 21.02.060 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.02.060 Zoning Board of Examiners and Appeals

A. Decision-Making Authority

The zoning board of examiners and appeals has decision-making authority over the following:

*** *** ***

2. Variances from:

a. Chapter 21.06, Dimensional Standards and Measurements (except subsection 21.06.030D.9., Airport Height Regulations);

b. Subsection 21.05.040K., Telecommunication Facilities;

d. Section 21.07.050, Utility Distribution Facilities;

e[D]. Section 21.09.060, Dimensional Standards;


g[F]. Section 21.10.060, Dimensional Standards; and

h[G]. Chapter 21.12, Nonconformities;

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 4, 5-14-15)

Section 4. Anchorage Municipal Code section 21.03.240 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.03.240 Variances

A. Purpose and Scope

*** *** ***

B. Decision-Making Bodies for Variance Requests

*** *** ***

3. The urban design commission shall be authorized to review and decide all requests for variances to standards of the following sections:

a. District-specific standards of chapter 21.04, Zoning Districts, section 21.09.040, Zoning Districts (Girdwood), and section 21.10.040, Zoning Districts (Chugiak-Eagle River);

b. Use-specific standards of chapter 21.05, Use Regulations (except subsection 21.05.040K, Telecommunication Facilities), section 21.09.050, Use Regulations, and section 21.10.050, Use Regulations;

d. Those subsections of section 21.09.070 that are not reserved to the platting authority or the zoning board of examiners and appeals;

e. Section 21.09.080, Building Design Standards;

f. Section 21.10.070, Development and Design Standards (Chugiak-Eagle River) (except subsection 21.10.070B., Transportation and Connectivity); and

g. Chapter 21.11, Signs, including the maximum sign area, the maximum sign height, the location of the sign, and the number of signs on the parcel.

4. The zoning board of examiners and appeals shall be authorized to review and decide variance requests from:

a. Subsection 21.05.040K., Telecommunication Facilities;

b. Chapter 21.06, Dimensional Standards and Measurements (except subsection 21.06.030D.9., Airport Height Regulations);


d. Subsection 21.07.050, Utility Distribution Facilities;

e[D]. Section 21.09.060, Dimensional Standards;


g[F]. Section 21.10.060, Dimensional Standards; and

h[G]. Chapter 21.12, Nonconformities.

The zoning board may only grant variances from dimensional standards.

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 10, 5-14-15)

Section 5. Anchorage Municipal Code subsection 21.07.020B. is hereby repealed and reenacted to read as follows (in accordance with AMC section 1.05.050B., the complete text of the affected section being repealed is included in Exhibit A attached hereto):
21.07.020B. Water Course, Water Body, and Wetland Protection

1. Purpose
The following requirements are intended to promote, preserve, and enhance the important hydrologic, ecological, and aesthetic functions provided by water courses, water bodies, and wetlands. Natural setbacks protect property values and prevent erosion, flooding, pollution and the spread of invasive plants.

These regulations recognize the interests of landowners of existing lots to make reasonable use of the land, and to allow uses that will conserve and protect streams, riparian vegetation, wetlands, and water bodies to the extent practical.

2. Applicability
This section applies in all zoning districts and to all development in the municipality, unless specifically exempted in this or another section of title 21.

3. Legally Established Uses
See section 21.12.045 for provisions relating to uses of setback areas that were legally established.

4. Relationship to Other Regulations
   a. This subsection 21.07.020B. does not repeal or supersede any existing federal, state, or local laws. When this subsection imposes a higher or more restrictive standard than found in another applicable ordinance, statute, or regulation, this subsection shall apply.
   
   b. No person shall engage in any activity that will disturb, remove, drain, fill, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under a permit issued by the appropriate federal agency.
   
   c. The decision-making body may grant final approval to any development or activity, including subdivisions and rezonings, in a wetland that falls within the federal government’s jurisdiction conditioned upon all necessary federal approvals and permits having been obtained.
   
   d. Stream, drainageway, water body, and wetland setback areas shall be credited toward any applicable private open space requirements or landscaping requirements only if such setback areas serve the purposes of those requirements as set forth in this title.
5. Drainageways
For all drainageways, flow paths may not be obstructed without providing an alternate drainage path in accordance with B.7. below.

6. Stream Channel Alteration
A stream shall not be moved, ditched, or piped, except as follows:
   a. The applicable federal and state agencies have authorized the alteration, and
   b. Watershed Management Services has authorized the alteration, after considering potential impacts including the following items:
      i. Practical alternatives to moving, piping, or otherwise altering the channel.
      ii. The potential to increase flooding or erosion problems upstream or downstream.
      iii. Any potential obstruction of water flow.
      iv. The flow lines of the altered section of the channel as related to those in the existing channel at the endpoints of the alteration.
      v. The adequacy of the gradient/meander balance, grade control, and bed stability to maintain the natural stream function of water conveyance and sediment transport.
      vi. If applicable, the impact on fish habitat or fish passage.

7. Drainageway Alteration
A drainageway may be moved, culverted, or piped, in a manner that preserves drainage continuity, subject to the following:
   a. Authorization from a state or federal agency, if under the jurisdiction of such agency;
   b. Authorization from Watershed Management Services; and
   c. The alteration will not lead to an increase in flooding, erosion, or icing problems upstream or downstream.

8. Boundary Delineation
   a. Official Definitions and Standards
      i. In cases where water courses or water bodies are not mapped and recorded in official plans or other documents, delineation of such features shall be made according to Watershed Management Services
procedures, and shall be subject to formal verification by the Watershed Management Services.

ii. In cases where wetlands are not mapped and recorded in official plans or other documents, including the Anchorage Wetlands Management Plan, delineation of such features shall be performed using procedures as described by the U.S. Army Corps of Engineers. Delineations shall be subject to formal verification by the U.S. Army Corps of Engineers, which may expire.

b. Water Course Boundaries
i. Water course boundaries shall be delineated at the ordinary high-water mark or, if not readily discernible, the defined bank of the stream, as those terms are defined in chapter 21.14. In those instances where the defined bank of the water course is not readily discernible, the Watershed Management Services shall establish the effective ordinary high-water mark. Watershed Management Services shall maintain the official record of the centerline of all water courses.

ii. All new plats of record after [effective date] shall show the centerline of all streams and major drainageways. A plat note shall be included indicating that setbacks are according to the current physical location of the stream or drainageway and current version of title 21.

c. Wetland Boundaries
i. Mapped Wetlands
Boundary delineation of wetlands shall be established by reference to the Anchorage Wetlands Management Plan, an element of the Anchorage comprehensive plan. Preliminary plats shall depict, or otherwise annotate, wetland boundaries.

ii. Unmapped Wetlands
The review of a development proposal may discover a potential wetland that has not been mapped or for which the boundaries have not been clearly established. In such instances, the boundaries of the wetland shall be delineated according to subsection 8.a.ii. above. Any new wetland boundaries delineated herein shall be submitted to the U.S. Army Corps of Engineers for approval with notification provided to the municipal planning department.

9. Stream Setbacks
Stream setbacks are intended to reflect the size and characteristics of the waterbody, as well as the pattern of
adjacent land development. Large, meandering streams require larger buffers than small, channelized streams. Similarly, large buffers provide greater benefit where intact riparian areas exist than those along sections of streams with encroaching development.

a. Designation
Stream setbacks are established around all streams in the municipality. Stream setbacks comprise two distinct zones: the streamside zone and the riparian edge zone.

b. Setback Widths for Streams

i. Stream setback widths shall be measured horizontally starting from the ordinary high-water mark or, if the ordinary high water mark is not readily discernible, from each side of the defined bank of the stream.

ii. Required minimum stream setback widths shall be as provided in table 21.07-1 below. Exceptions to setback widths are provided in subsection 9.c. below.

iii. For parcels where there are wetlands contiguous with a stream, additional setback requirements are listed in the Wetland Designation and Enforceable and Administrative Policies and Management Strategies tables of the Anchorage Wetlands Management Plan.

<table>
<thead>
<tr>
<th>Stream</th>
<th>Streamside Zone</th>
<th>Riparian Edge Zone</th>
<th>Total Stream Setback Width Per Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bird Creek, California Creek, Eagle River,</td>
<td>25 feet</td>
<td>75 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Eklutna River, Glacier Creek, Knik River,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placer Creek, Portage Creek, Skookum Creek,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twentymile River,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alyeska Creek, Bayshore Creek, Campbell Creek, Chester Creek, Carol Creek, Craig Creek, Crow Creek, Crystal Creek, Edmonds Lake Creek, Elmore Creek, Falling Water Creek, Fire Creek, Fossil Creek, Gunnery Creek, Hidden Creek, Indian Creek, Kern Creek, Little Peters Creek, Little Campbell Creek, Little Rabbit Creek, Little Survival Creek, Meadow Creek, McHugh Creek, Mirror Creek, Parks Creek, North Fork Campbell Creek, Penguin Creek, Peters Creek, Peterson Creek, Pleasant Creek, Potter Creek, Rabbit Creek, Ship Creek, South Fork, Campbell Creek, South Fork Eagle River, Stuckagain Creek, Rainbow Creek, Thunderbird Creek, Tiny Creek, Virgin Creek, Winner Creek,</td>
<td>25 feet</td>
<td>25 feet</td>
<td>50 Feet</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Eagle Loop Creek, Fish Creek, Furrow Creek, Hood Creek, Middle Fork Chester Creek, Moose Meadows Creek, North Fork Chester Creek, North Branch South Fork Chester Creek, Reflection Lake Creek, All other streams named or otherwise, and unnamed tributaries of all steams</td>
<td>25 feet</td>
<td>0 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Ephemeral channels</td>
<td>10 feet</td>
<td>0 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

iii. c. Exceptions

i. Stream Setback Limited to 25-Feet on Small, Existing Parcels

Platted parcels, existing as of [effective date], abutting or encompassing a creek and less than 10,000 square feet in size are subject to only the 25-foot wide streamside zone stream setback requirement.

ii. Streams in Pipes or Culverts

Segments of streams contained in pipes or culverts longer than 50 feet are exempt from the stream setback requirement. In cases where a drainage easement does not exist along the piped section of stream, a piped conveyance of any length will have a setback in accordance with B.10. below

iii. Streets in Stream Setbacks
Where a street or railroad existing as of [effective date] is located within a stream setback, the setback on the street side shall extend only to the edge of the improved street or railroad and not continue over or past the improvement. The full setback shall exist on the non-street side of the stream.

iv. Alternate Means of Compliance and Alternate Setback Options; Including Urban Stream Restoration and Stream Daylighting Projects

(A) The provisions of this section are not intended to prevent the implementation of measures or activities that achieve the goals outlined in B.1. above, unless specifically prohibited by this code, and provided the alternate means of compliance are approved by Watershed Management Services.

(B) Watershed Management Services may approve any such alternate means of compliance provided that they find that the proposed design complies with the intent and purpose of this code, protects the integrity of stream buffers, and are resistant to effects of flooding, erosion and icing, in accordance with subsection B.6. above.

(C) The details of any action granting modifications or the acceptance of a compliance alternative shall be recorded and entered into Watershed Management Services files.

d. Streamside Zone

The uses/activities (and their maintenance) listed below are permitted in the streamside zone. Otherwise, no disturbance of the streamside zone is permitted. After disturbance associated with the uses/activities below, all disturbed areas shall be revegetated with non-invasive trees, shrubs, and ground cover similar to natural vegetation in the area. Revegetation shall occur during the same growing season as the disturbance activity, except as otherwise permitted by the director of the Watershed Management Services.

i. Vegetation maintenance or removal, in accordance with subsection B.13. below.

ii. Stream channel and/or stream bank enhancement and/or restoration activities, when authorized by Watershed Management Services.
iii. Utility mainline and service lines, road, and/or trail crossings, as close to perpendicular to the stream channel as possible. This exception does not apply to utility components that are chiefly part of a building, such as pedestals, masts, meters, etc.

iv. Flood prevention/control measures and storm water infrastructure, when authorized by the Watershed Management Services

ev. Power generation infrastructure, by administrative site plan review to minimize impacts to the setback area.

vi. Unpaved trails, no wider than three feet except where part of an urban stream restoration project.

vii. Structures used for fishing platforms, stream overlooks, wildlife viewing.

viii. Stream gaging and water quality monitoring.

ix. Emergency action(s) necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be taken at any time without advance notice; provided that, the notice shall be given at the earliest opportunity thereafter. These actions may be subject to the conditions of other municipal, state, or federal regulations.

e. Riparian Edge Zone

The uses/activities (and their maintenance) listed below are permitted in the riparian edge zone. Otherwise, no disturbance of the riparian edge zone is permitted. After disturbance associated with the uses/activities below, all disturbed areas shall be revegetated with non-invasive trees, shrubs, and ground cover similar to natural vegetation in the area. Revegetation shall occur during the same growing season as the disturbance activity, except as otherwise permitted by the director.

i. Uses/activities allowed in the streamside zone.

ii. Utilities service and main lines running parallel to the stream channel, when determined by the utility and Watershed Management Services that no other alternative exists. Access to such utilities for maintenance shall be at specific points rather than parallel to the utility corridor whenever possible. This exception does not apply to utility components that are
chiefly part of a building, such as pedestals, masts, meters, etc.

iii. Paved or unpaved trails. Trails must be constructed near natural grade to minimize clearing, filling, and grading.

iv. Recreational fields and golf course fairways.

v. Gardens, lawn, and other residential landscaping, up to one-half of the riparian edge zone area on the lot.

vi. Accessory structures less than 150 square feet and not on a permanent foundation.

vii. Decks, not to exceed 500 square feet.

viii. Wells.

ix. Snow storage, in accordance with subsection 21.07.040F.8.

10. Major Drainageway Setbacks
   a. Purpose
   Drainageways provide for the orderly drainage of stormwater, snowmelt, groundwater discharge, and all other perennial or intermittent flows. Drainageway setbacks are necessary for the preservation of drainage continuity under current and future development.

   b. Setback Widths
   Buildings and accessory structures shall be set back no less than 10 feet horizontally from the edge of each side of a major drainageway, or from the middle of the major drainageway if no defined channel edge exists. Major drainageways are defined or verified by Watershed Management Services. Watershed Management Services, may require a greater setback for major drainageways if, in their professional judgment, the additional setback is necessary to prevent damage to property, reduce risk to health or safety or necessary to comply with other municipal, state, or federal requirements.

   c. Uses in the Setback
   The drainageway setback shall be maintained in a stable and non-eroding state. Nothing in the drainageway setback shall inhibit the passage of drainage flows, or cause erosion and/or icing.

11. Water Body Setbacks
   a. Setback Widths
All water bodies shall have setbacks. Buildings, accessory structures, and other impervious surfaces shall be set back at least 25 feet horizontally from the ordinary high water mark of water bodies, except as allowed below. When wetlands are present and contiguous to the water body, additional setback requirements are listed in the Anchorage Wetlands Management Plan.

b. Allowed and Prohibited Uses
The uses/activities (and their maintenance) listed below are permitted in the water body setback. Otherwise, the setback shall be vegetated.

i. Water-related accessory structures less than 500 square feet, such as boathouses or floatplane storage buildings. If the water body setback coincides with the side or rear setback of the lot, this allowance shall supersede the size limitation of subsection 21.05.070B.3.b.ii.

ii. Minimal areas to allow for access to uses, such as docks, boathouses, and floatplane storage, that require direct access to a water body by their very nature or function.

iii. Municipal beaches and associated structures/facilities.

iv. Structures used for fishing platforms, water body overlooks, wildlife viewing, and the like, when authorized by the Watershed Management Services.

12. Wetland Setbacks
a. Setback Widths
All wetlands shall have setbacks. All buildings, accessory structures, fills and other storage of materials, and impervious surfaces shall be set back at least 15 feet horizontally from the delineated edge of all wetlands except those authorized for development.

b. Allowed and Prohibited Uses
No disturbance is permitted in the 15-foot setback area, other than access to permitted decks, boardwalks, and wildlife viewing platforms.

c. Implementation of the Anchorage Wetlands Management Plan
i. Zoning and Platting Actions
Zoning and platting actions taken under this title shall be consistent with the Anchorage Wetlands Management Plan. To the maximum extent feasible, class A and those class B wetlands which, as a result of a U.S. Army
Corps of Engineers decision or permit condition, are not authorized for development, shall be platted into separate tracts and not included as part of a development lot. Wetland classes are defined and delineated in the *Anchorage Wetlands Management Plan*.

**ii. Application of Plan to Approved Projects**

Conditional uses and preliminary plats approved prior to July 9, 2014, the date of adoption of the current *Anchorage Wetlands Management Plan*, shall not have additional conditions imposed upon them as a result of requirements of the plan except as follows:

(A) The “A” wetland designation shall apply regardless of prior approvals.

(B) Approved plats or conditional uses in wetlands that are returned to the platting authority or planning and zoning commission for major amendment may be examined for conformity with goals and enforceable policies of the *Anchorage Wetlands Management Plan*.

(C) A new U.S. Army Corps of Engineers permit is required.

13. **Maintenance**

Maintenance, modification, or removal of trees or shrubs from stream, water body, or wetland setback areas is allowed as follows:

a. Pruning of trees and woody shrubs for the health and/or renewal of vegetation shall not result in removal of more than 25% of the living crown of a tree, nor jeopardize the health and natural shape of a tree or shrub.

b. With Alaska Department of Fish and Game authorization, the removal of downed trees from the stream channel is allowed. The root structure shall be left for ground stabilization.

c. A tree or shrub, or portion thereof, may be removed for one or more of the following reasons. If necessary, clarification of these conditions shall be obtained from Watershed Management Services:

i. The tree or shrub, or portion thereof, is dead.

ii. The tree or shrub is a safety hazard to person, property, or public.
iii. The tree or shrub removal is for the purpose of preventing the spread of disease to other trees.

iv. As part of a coordinated invasive plant control project approved by a relevant state or federal agency.

d. Whenever a damaged, dead, or diseased tree is removed, it shall be replaced with another tree having a minimum diameter of two inches at 4.5 feet above ground. Whenever a shrub is removed, it shall be replaced with another shrub having a minimum height at time of planting of 18 inches.

e. The use of herbicides for the control or removal of vegetation is prohibited in the streamside zone unless otherwise approved by Watershed Management Services.

f. Unless otherwise accepted by the municipality, any maintenance of the stream setback shall be the responsibility of the property owner.

14. Violations
Where a violation of this subsection has been established, restoration approved by Watershed Management Services shall be required. All disturbed areas shall be revegetated with non-invasive trees, shrubs, and ground cover similar to natural vegetation in the area. Revegetation shall occur during the same growing season as the disturbance activity, except as otherwise permitted by Watershed Management Services.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 6. Anchorage Municipal Code chapter 21.12 is hereby amended to add a new section 21.12.045 as follows:

21.12.045 Nonconforming Encroachments into Water Course, Water Body, and Wetland Setbacks

A. Continuation of Nonconforming Structures and Uses Within Required Stream Setbacks

Structures and uses located within the streamside zone and the riparian edge zone that were legally established on or before [effective date] are permitted to remain subject to the following:

1. Streamside Zone
a. Notwithstanding section 21.12.020 or section 21.12.040, structures, including portions of structures, that are located within the streamside zone and are damaged or destroyed by more than 50 percent of the replacement cost at the time of destruction, shall not be rebuilt within
streamside zone.

b. Once a garden, lawn, or similar use has been removed, the use may not be replaced with another garden, lawn or similar use.

2. Riparian Edge Zone
   a. Structures, including portions of structures, that are located within the riparian edge zone and are damaged, removed, or destroyed, may be reconstructed within the riparian edge zone as long as the structure is reconstructed with the same dimensions (or less) and in the same location as the previous structure, or moved to a more conforming location. Reconstruction may require approval of municipal, state, or federal agencies.

   b. If a structure or portion of a structure located within the riparian edge zone is damaged, removed, or destroyed, and reconstruction is not begun within five years, then the structure loses nonconforming rights and may only be reconstructed in a conforming location.

B. Continuation of Nonconforming Structures and Uses Within Required Major Drainageway, Water Body, and Wetland Setbacks

Structures and uses located within a major drainageway setback, a water body setback or a wetland setback that were legally established on or before [effective date] are permitted to remain subject to section 21.12.040 (structures) or section 21.12.030 (uses).

C. Variance Requests

Anyone wishing to construct, reconstruct, or expand a structure within the riparian edge zone that is not in compliance with subsection A.2. above may request a variance from the Zoning Board of Examiners and Appeals. The application fee for such variance requests shall be waived for a period of five years, beginning [effective date].

Section 7. Anchorage Municipal Code section 21.14.040 is hereby amended as follows (the remainder of the section is not affected and therefore not set out):

21.14.040 Definitions

When used in this title, the following words and terms shall have the meaning set forth in this section, unless other provisions of this title specifically indicate otherwise.

*** *** ***

Dedication
The devotion of land or an interest in land by the owner to a public use, which
is accepted and used presently or in the future for such public purpose.

[DEFINED BANK
THE USUAL BOUNDARIES, NOT THE FLOOD BOUNDARIES, OF A
STREAM CHANNEL.]

Density, Gross
The total number of dwelling units per acre within any defined geographic
area.

Entrance, Primary
A principal entry through which people, including customers, residents, or
members of the public enter a building. For any commercial or community
establishment which serves the visiting public, a primary entrance is open to
the public during all regular business hours and directly accesses lobby,
reception, retail, or other interior areas designed to receive the public. Fire
exits, service doors, vehicle entrances, doors leading directly into a garage
or storage space accessory to the use, and employee entrances are not
primary entrances. A building or establishment may have more than one
primary entrance.

Ephemeral Channel
A natural water course [DRAINAGEWAY] that is channelized over part or all
of its length and conveys surface water flows from single storm or snow melt
events for short durations only. Ephemeral channels are different from
intermittent streams. They are transitional to streams but lack the overall
geomorphic, hydrologic, and biologic characteristics commonly associated
with stream features. Prolonged flow may occur along very short and isolated
segments of an ephemeral channel.

Erosion
The wearing away of land surface by the action of wind, water, gravity, or any
combination thereof.

Maintenance Easement
An easement on a lot or parcel permitting entry to that lot or parcel for the
purpose of maintaining, repairing, or reconstructing a structure or other
feature on the lot or parcel, or an abutting lot or parcel.

Major Drainageway
That portion of any drainageway, constructed or natural, that either does, or
will under full development, carry a significant peak flow; [ALL EPHEMERAL
CHANNELS ARE MAJOR DRAINAGEWAYS;] all constructed or natural
drainageways with total contributing areas larger than 40 acres are major
drainageways.

Manual of Uniform Traffic Control Devices (MUTCD)
The most current manual or successor document(s) addressing the design
and use of traffic control devices, as published, amended and/or interpreted by the U.S. Department of Transportation.

*** *** ***

Right-of-Way
A defined area of land, reserved or dedicated for a street, alley, walkway, trail, utility, or other public purpose.

Riparian Edge Zone
The outer portion of the stream setback, extending landward from the outer edge of the streamside zone to the boundary of the stream setback.

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Stream
A watercourse conveying perennial or intermittent surface waters not solely the result of constructed subsurface drainage. When a stream does flow it conveys more water than that contributed from a single storm runoff event and includes natural ground water discharge as a component in its flow. A stream may be intermittent in time or space. However, it must generally retain its identity as a hydraulically continuous drainage feature along its whole length, even though its surface flow may periodically break up or disappear along its alignment.

Overall a stream displays a distinctive combination of geomorphic, hydrologic, and biologic characteristics, though some of these features may be absent where flow is intermittent or where the stream has been piped or otherwise modified. Principal defining characteristics include:
• Unique geometric, sedimentary, and other physical characteristics, including bed and banks, along part or all of the stream’s alignment;
• Prolonged flow from natural sources conveyed along continuous surface channels, or along a discontinuous but hydraulically connected series of surface channels; and
• Biologic characteristics representative of prolonged surface flows along
the open channel segments of the stream.

Stream Bed
That portion of a stream utilized for water flow during nonflood periods,
normally extending from the low point (thalweg) to each bank.

Stream Setback
A minimum setback from the edge of a stream, within which development is
limited and the land adjacent to the stream is substantially protected in a
natural state, in conformance with section 21.07.020. The stream setback
comprises the streamside zone and riparian edge zone.

Streamside Zone
The inner portion of the stream setback, extending landward from the defined
bank of the stream at ordinary high water, out to the riparian edge zone of
the stream setback.

Street
A thoroughfare improved or intended to be improved for vehicular and
pedestrian travel permanently open to general public use, that affords the
principal means of access, frontage and address to individual buildings, lots
and blocks. Streets include a road, avenue, place, drive, boulevard, highway
or any other similar means of public thoroughfare, except an alley. A street
is not a driveway. Unless otherwise indicated, the term street shall refer to
both public and private streets. A street may be located on private property
and not be publicly owned or maintained, if it performs the roles of a public
street.

Section 8. This ordinance shall be effective immediately upon passage and
approval by the Assembly.
PASSED AND APPROVED by the Anchorage Assembly this _____ day of
______________, 2017.

______________________________
Chair of the Assembly

ATTEST:

______________________________
Municipal Clerk