

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Planning Department and
Watershed Management Section
For reading:

**ANCHORAGE, ALASKA
AO No. 2017-**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY REPEALING AND**
2 **REENACTING ANCHORAGE MUNICIPAL CODE SUBSECTION 21.07.020B. TO**
3 **UPDATE PROVISIONS REGARDING WATER COURSE, WATER BODY, AND**
4 **WETLAND PROTECTION AND SETBACKS; AMENDING ANCHORAGE**
5 **MUNICIPAL CODE CHAPTERS 21.02 AND 21.03 TO TRANSFER VARIANCE**
6 **AUTHORITY FOR VARIANCES FROM WATER COURSE, WATER BODY, AND**
7 **WETLAND PROTECTION REGULATIONS TO THE ZONING BOARD OF**
8 **EXAMINERS AND APPEALS; ADDING A NEW SECTION TO ANCHORAGE**
9 **MUNICIPAL CODE CHAPTER 21.12 REGARDING NONCONFORMITIES WITH**
10 **SAID PROTECTIONS AND SETBACKS; AND AMENDING ANCHORAGE**
11 **MUNICIPAL CODE SECTION 21.14.040, DEFINITIONS, ACCORDINGLY.**
12

13 (Planning and Zoning Commission Case 2017-0133)
14

15 **WHEREAS**, in response to increasing water quality and floodplain issues in
16 Anchorage streams, the Municipality adopted the original stream protection
17 ordinance in 1984, which established a 25' setback and regulations for all streams;
18 and
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20 **WHEREAS**, over the ensuing years, national trends in the science of water quality
21 and stream protection generally identified that larger setbacks are more effective at
22 maintaining water quality, protecting stream habitats and reducing floodplain and
23 storm event impacts; and
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25 **WHEREAS**, increased setback widths have also been shown to protect private
26 property from flooding and icing and potentially reduce flood hazard insurance
27 premiums; and
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29 **WHEREAS**, during the public hearing process for the adoption of the new Title 21,
30 the stream protection setback issue drew considerable public interest and
31 testimony; and
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33 **WHEREAS**, in response to this public interest and with the complications of applying
34 alternative stream setback widths, the Assembly adopted the new Title 21 with a
35 placeholder in new Section 21.07.020. B.1., which directed the Planning and Project
36 Management and Engineering Departments to further evaluate options for setback
37 widths and related regulations and provide a new recommendation at a later date;
38 and
39

40 **WHEREAS**, during the 2040 Land Use Plan adoption process, the ecological and
41 economic value and importance of urban stream channel restoration projects was
42 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								
<p><i>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.</i></p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>								
	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A ¹						R/D ¹
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070C.	D-H ²	R-H ²					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 ³	A ³		D
Marijuana—Special Land Use Permit and associated variances	21.03.105	D-H						R
Master Plan, Institutional	21.03.110A.	D-H	R-H					R
Minor Modifications	21.03.120		D ⁴	D ⁴		A ⁵	A ⁵	D ⁴
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/ A-H ⁶	R-H/ D-H ⁶					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03. 170					A		D
Site Plan Review, Administrative	21.03. 180C.			A				D
Site Plan Review, Major	21.03. 180D.		D-H ⁷	D-H ⁷			A	R
Street Review	21.03. 190B.		R ⁸ /D	R ⁸ / D				R
Trail Review	21.03.190C.			R/D				R
Preliminary Plat	21.03. 200C.5.		D-H ⁹	D-H ⁹	D- H ⁹		A	R

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Abbreviated Plat	21.03.200D.				A-H			D
Commercial Tract Plat	21.03.200E.		D-H ¹⁰	D-H ¹⁰	D-H ¹⁰			R
Title 21, Text Amendments	21.03.210	D-H	R-H		R-H ¹¹			R
Vacation of Public and Private Interest in Land	21.03.230				D or A ¹²		A ¹²	R or D ¹²
Variations from the provisions of 21.05.040K., <i>Telecommunication Facilities</i> ; 21.06, <i>Dimensional Standards and Measurements</i> (except subsection 21.06.030D.9., <i>Airport Height Regulations</i>); 21.07.020B., <i>Water Course, Water Body, and Wetland Protection</i> ; 21.07.050, <i>Utility Distribution Facilities</i> ; 21.09.060, <i>Dimensional Standards</i> ; 21.09.070J., <i>Utilities and Utility Equipment Standards</i> ; 21.10.060, <i>Dimensional Standards</i> ; 21.12, <i>Nonconformities</i> .	21.03.240					D-H		R
Variations from the provisions of 21.07.020C., <i>Steep Slope Development</i> ; 21.07.060, <i>Transportation and Connectivity</i> ; 21.08, <i>Subdivision Standards</i> ; 21.09.070C., <i>Hazard Areas</i> ; 21.09.070F., <i>Transportation and Connectivity</i> ; 21.09.070G.1., <i>Street and Trail Lighting Standards</i> ; 21.09.070H., <i>Pedestrian Circulation</i> ; 21.10.070B., <i>Transportation and Connectivity</i> .	21.03.240		D-H ¹³	D-H ¹³	D-H		A	R

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variations from								
the district-specific standards of 21.04, <i>Zoning Districts</i> ; 21.09.040, <i>Zoning Districts</i> ; 21.10.040, <i>Zoning Districts</i> .								
the use-specific standards of 21.05, <i>Use Regulations</i> (except subsection 21.05.040K., <i>Telecommunication Facilities</i> , and section 21.05.055 <i>Marijuana Establishments</i>); 21.09.050, <i>Use Regulations</i> ; 21.10.050, <i>Use Regulations</i> .								
21.07, <i>Development and Design Standards</i> (except 21.07.020B., <i>Water Course, Water Body, and Wetland Protection</i> , 21.07.020C., <i>Steep Slope Development</i> , 21.07.050, <i>Utility Distribution Facilities</i> , and 21.07.060, <i>Transportation and Connectivity</i>);	21.03.240			D-H			A	R
Those subsections of section 21.09.070, <i>Site Development and Design Standards</i> , not reserved to the platting authority or the zoning board of examiners and appeals; 21.09.080, <i>Building Design Standards</i> ;								
21.10.070, <i>Development and Design Standards</i> (except 21.10.070B., <i>Transportation and Connectivity</i>);								
21.11, <i>Signs</i>								
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

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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;

c. Chapter 21.07, Development and Design Standards (except subsections 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);

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:

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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;

c. Subsection 21.07.020B., Water Course, Water Body, and Wetland Protection,

d. Section 21.07.050, Utility Distribution Facilities;

e[D]. Section 21.09.060, Dimensional Standards;

f[E]. Subsection 21.09.070J., Utilities and Utility Equipment 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

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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;

c. Chapter 21.07, Development and Design Standards (except subsections 21.07.020, 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);

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- 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);
 - c. Subsection 21.07.020B., Water Course, Water Body, and Wetland Protection;
 - d. Subsection 21.07.050, Utility Distribution Facilities;
 - e[D]. Section 21.09.060, Dimensional Standards;
 - f[E]. Subsection 21.09.070J., Utilities and Utility Equipment Standards;
 - g[F]. Section 21.10.060, Dimensional Standards; and
 - h[G]. Chapter 21.12, Nonconformities.

39 The zoning board may only grant variances from dimensional
40 standards.

41 *** *** ***

42
43 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 10, 5-
44 14-15)

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46 **Section 5.** Anchorage Municipal Code subsection 21.07.020B. is hereby
47 repealed and reenacted to read as follows (in accordance with AMC section
48 1.05.050B., the complete text of the affected section being repealed is included in
49 Exhibit A attached hereto):
50

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.

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2 5. Drainageways

3 For all drainageways, flow paths may not be obstructed without
4 providing an alternate drainage path in accordance with B.7. below.
5

6 6. Stream Channel Alteration

7 A stream shall not be moved, ditched, or piped, except as follows:
8

9 a. The applicable federal and state agencies have authorized the
10 alteration, and

11
12 b. Watershed Management Services has authorized the
13 alteration, after considering potential impacts including the
14 following items:

15
16 i. Practical alternatives to moving, piping, or otherwise
17 altering the channel.
18

19 ii. The potential to increase flooding or erosion problems
20 upstream or downstream.
21

22 iii. Any potential obstruction of water flow.
23

24 iv. The flow lines of the altered section of the channel as
25 related to those in the existing channel at the endpoints
26 of the alteration.
27

28 v. The adequacy of the gradient/meander balance, grade
29 control, and bed stability to maintain the natural stream
30 function of water conveyance and sediment transport.
31

32 vi. If applicable, the impact on fish habitat or fish passage.
33

34 7. Drainageway Alteration

35 A drainageway may be moved, culverted, or piped, in a manner that
36 preserves drainage continuity, subject to the following:

37 a. Authorization from a state or federal agency, if under the
38 jurisdiction of such agency;
39

40 b. Authorization from Watershed Management Services; and
41

42 c. The alteration will not lead to an increase in flooding, erosion,
43 or icing problems upstream or downstream.
44

45 8. Boundary Delineation

46 a. Official Definitions and Standards

47 i. In cases where water courses or water bodies are not
48 mapped and recorded in official plans or other
49 documents, delineation of such features shall be made
50 according to Watershed Management Services

1 procedures, and shall be subject to formal verification by
2 the Watershed Management Services.
3

- 4 ii. In cases where wetlands are not mapped and recorded
5 in official plans or other documents, including the
6 Anchorage Wetlands Management Plan, delineation of
7 such features shall be performed using procedures as
8 described by the U.S. Army Corps of Engineers.
9 Delineations shall be subject to formal verification by the
10 U.S. Army Corps of Engineers, which may expire.
11

12 b. Water Course Boundaries

- 13 i. Water course boundaries shall be delineated at the
14 ordinary high-water mark or, if not readily discernible,
15 the defined bank of the stream, as those terms are
16 defined in chapter 21.14. In those instances where the
17 defined bank of the water course is not readily
18 discernible, the Watershed Management Services shall
19 establish the effective ordinary high-water mark.
20 Watershed Management Services shall maintain the
21 official record of the centerline of all water courses.
22

- 23 ii. All new plats of record after [effective date] shall show
24 the centerline of all streams and major drainageways. A
25 plat note shall be included indicating that setbacks are
26 according to the current physical location of the stream
27 or drainageway and current version of title 21.
28

29 c. Wetland Boundaries

30 i. Mapped Wetlands

31 Boundary delineation of wetlands shall be established
32 by reference to the Anchorage Wetlands Management
33 Plan, an element of the Anchorage comprehensive plan.
34 Preliminary plats shall depict, or otherwise annotate,
35 wetland boundaries.
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37 ii. Unmapped Wetlands

38 The review of a development proposal may discover a
39 potential wetland that has not been mapped or for which
40 the boundaries have not been clearly established. In
41 such instances, the boundaries of the wetland shall be
42 delineated according to subsection 8.a.ii. above. Any
43 new wetland boundaries delineated herein shall be
44 submitted to the U.S. Army Corps of Engineers for
45 approval with notification provided to the municipal
46 planning department.
47

48 9. Stream Setbacks

49 Stream setbacks are intended to reflect the size and
50 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 21.07-1. MINIMUM STREAM SETBACK WIDTH PER SIDE

Stream	Streamside Zone	Riparian Edge Zone	Total Stream Setback Width Per Side
Bird Creek, California Creek, Eagle River, Eklutna River, Glacier Creek, Knik River, Placer Creek, Portage Creek, Skookum Creek, Twentymile River,	25 feet	75 feet	100 feet

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,	25 feet	25 feet	50 Feet
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	25 feet	0 feet	25 feet
Ephemeral channels	10 feet	0 feet	10 feet

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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

1 Where a street or railroad existing as of [effective date]
2 is located within a stream setback, the setback on the
3 street side shall extend only to the edge of the improved
4 street or railroad and not continue over or past the
5 improvement. The full setback shall exist on the non-
6 street side of the stream.
7

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

11 (A) The provisions of this section are not intended to
12 prevent the implementation of measures or
13 activities that achieve the goals outlined in B.1.
14 above, unless specifically prohibited by this code,
15 and provided the alternate means of compliance
16 are approved by Watershed Management
17 Services
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19 (B) Watershed Management Services may approve
20 any such alternate means of compliance provided
21 that they find that the proposed design complies
22 with the intent and purpose of this code, protects
23 the integrity of stream buffers, and are resistant
24 to effects of flooding, erosion and icing, in
25 accordance with subsection B.6. above.
26

27 (C) The details of any action granting modifications or
28 the acceptance of a compliance alternative shall
29 be recorded and entered into Watershed
30 Management Services files.
31

32 d. Streamside Zone

33 The uses/activities (and their maintenance) listed below are
34 permitted in the streamside zone. Otherwise, no disturbance
35 of the streamside zone is permitted. After disturbance
36 associated with the uses/activities below, all disturbed areas
37 shall be revegetated with non-invasive trees, shrubs, and
38 ground cover similar to natural vegetation in the area.
39 Revegetation shall occur during the same growing season as
40 the disturbance activity, except as otherwise permitted by the
41 director of the Watershed Management Services.
42

43 i. Vegetation maintenance or removal, in accordance with
44 subsection B.13. below.
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46 ii. Stream channel and/or stream bank enhancement
47 and/or restoration activities, when authorized by
48 Watershed Management Services.
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- 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
 - v. 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

1 chiefly part of a building, such as pedestals, masts,
2 meters, etc.

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

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8 iv. Recreational fields and golf course fairways.

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

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

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16 vii. Decks, not to exceed 500 square feet.

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18 viii. Wells.

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20 ix. Snow storage, in accordance with subsection
21 21.07.040F.8.

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23 10. Major Drainageway Setbacks

24 a. Purpose

25 Drainageways provide for the orderly drainage of stormwater,
26 snowmelt, groundwater discharge, and all other perennial or
27 intermittent flows. Drainageway setbacks are necessary for the
28 preservation of drainage continuity under current and future
29 development.

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31 b. Setback Widths

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

42
43 c. Uses in the Setback

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

48
49 11. Water Body Setbacks

50 a. Setback Widths

1 All water bodies shall have setbacks. Buildings, accessory
2 structures, and other impervious surfaces shall be set back at
3 least 25 feet horizontally from the ordinary high water mark of
4 water bodies, except as allowed below. When wetlands are
5 present and contiguous to the water body, additional setback
6 requirements are listed in the *Anchorage Wetlands*
7 *Management Plan*.

8
9 b. Allowed and Prohibited Uses

10 The uses/activities (and their maintenance) listed below are
11 permitted in the water body setback. Otherwise, the setback
12 shall be vegetated

13
14 i. Water-related accessory structures less than 500
15 square feet, such as boathouses or floatplane storage
16 buildings. If the water body setback coincides with the
17 side or rear setback of the lot, this allowance shall
18 supersede the size limitation of subsection
19 21.05.070B.3.b.ii.

20
21 ii. Minimal areas to allow for access to uses, such as
22 docks, boathouses, and floatplane storage, that require
23 direct access to a water body by their very nature or
24 function.

25
26 iii. Municipal beaches and associated structures/facilities.

27
28 iv. Structures used for fishing platforms, water body
29 overlooks, wildlife viewing, and the like, when authorized
30 by the Watershed Management Services.

31
32 12. Wetland Setbacks

33 a. Setback Widths

34 All wetlands shall have setbacks. All buildings, accessory
35 structures, fills and other storage of materials, and impervious
36 surfaces shall be set back at least 15 feet horizontally from the
37 delineated edge of all wetlands except those authorized for
38 development.

39
40 b. Allowed and Prohibited Uses

41 No disturbance is permitted in the 15-foot setback area, other
42 than access to permitted decks, boardwalks, and wildlife
43 viewing platforms.

44
45 c. Implementation of the Anchorage Wetlands Management Plan

46 i. Zoning and Platting Actions

47 Zoning and platting actions taken under this title shall be
48 consistent with the *Anchorage Wetlands Management*
49 *Plan*. To the maximum extent feasible, class A and
50 those class B wetlands which, as a result of a U.S. Army

1 Corps of Engineers decision or permit condition, are not
2 authorized for development, shall be platted into
3 separate tracts and not included as part of a
4 development lot. Wetland classes are defined and
5 delineated in the *Anchorage Wetlands Management*
6 *Plan*.

7
8 ii. Application of Plan to Approved Projects

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

14
15 (A) The "A" wetland designation shall apply
16 regardless of prior approvals.

17
18 (B) Approved plats or conditional uses in wetlands
19 that are returned to the platting authority or
20 planning and zoning commission for major
21 amendment may be examined for conformity with
22 goals and enforceable policies of the *Anchorage*
23 *Wetlands Management Plan*.

24
25 (C) A new U.S. Army Corps of Engineers permit is
26 required.

27
28 13. Maintenance

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

31 a. Pruning of trees and woody shrubs for the health and/or
32 renewal of vegetation shall not result in removal of more than
33 25% of the living crown of a tree, nor jeopardize the health and
34 natural shape of a tree or shrub.

35
36 b. With Alaska Department of Fish and Game authorization, the
37 removal of downed trees from the stream channel is allowed.
38 The root structure shall be left for ground stabilization.

39
40 c. A tree or shrub, or portion thereof, may be removed for one or
41 more of the following reasons. If necessary, clarification of
42 these conditions shall be obtained from Watershed
43 Management Services:

44
45 i. The tree or shrub, or portion thereof, is dead.

46
47 ii. The tree or shrub is a safety hazard to person, property,
48 or public.
49

- 1 iii. The tree or shrub removal is for the purpose of
2 preventing the spread of disease to other trees.
3
4 iv. As part of a coordinated invasive plant control project
5 approved by a relevant state or federal agency
6
7 d. Whenever a damaged, dead, or diseased tree is removed, it
8 shall be replaced with another tree having a minimum diameter
9 of two inches at 4.5 feet above ground. Whenever a shrub is
10 removed, it shall be replaced with another shrub having a
11 minimum height at time of planting of 18 inches.
12
13 e. The use of herbicides for the control or removal of vegetation
14 is prohibited in the streamside zone unless otherwise approved
15 by Watershed Management Services.
16
17 f. Unless otherwise accepted by the municipality, any
18 maintenance of the stream setback shall be the responsibility
19 of the property owner.
20

21 14. Violations

22 Where a violation of this subsection has been established, restoration
23 approved by Watershed Management Services shall be required. All
24 disturbed areas shall be revegetated with non-invasive trees, shrubs,
25 and ground cover similar to natural vegetation in the area.
26 Revegetation shall occur during the same growing season as the
27 disturbance activity, except as otherwise permitted by Watershed
28 Management Services.
29

30 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)
31

32 **Section 6.** Anchorage Municipal Code chapter 21.12 is hereby amended to add
33 a new section 21.12.045 as follows:
34

35 **21.12.045 Nonconforming Encroachments into Water Course, Water** 36 **Body, and Wetland Setbacks** 37

38 A. Continuation of Nonconforming Structures and Uses Within Required 39 Stream Setbacks 40

41 Structures and uses located within the streamside zone and the
42 riparian edge zone that were legally established on or before [effective
43 date] are permitted to remain subject to the following:
44

45 1. Streamside Zone

- 46 a. Notwithstanding section 21.12.020 or section 21.12.040,
47 structures, including portions of structures, that are
48 located within the streamside zone and are damaged or
49 destroyed by more than 50 percent of the replacement
50 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

1 is accepted and used presently or in the future for such public purpose.

2
3 [DEFINED BANK
4 THE USUAL BOUNDARIES, NOT THE FLOOD BOUNDARIES, OF A
5 STREAM CHANNEL.]
6

7 Density, Gross

8 The total number of dwelling units per acre within any defined geographic
9 area.

10 *** **

11 Entrance, Primary

12 A principal entry through which people, including customers, residents, or
13 members of the public enter a building. For any commercial or community
14 establishment which serves the visiting public, a primary entrance is open to
15 the public during all regular business hours and directly accesses lobby,
16 reception, retail, or other interior areas designed to receive the public. Fire
17 exits, service doors, vehicle entrances, doors leading directly into a garage
18 or storage space accessory to the use, and employee entrances are not
19 primary entrances. A building or establishment may have more than one
20 primary entrance.
21

22 Ephemeral Channel

23 A natural water course [DRAINAGEWAY] that is channelized over part or all
24 of its length and conveys surface water flows from single storm or snow melt
25 events for short durations only. Ephemeral channels are different from
26 intermittent streams. They are transitional to streams but lack the overall
27 geomorphic, hydrologic, and biologic characteristics commonly associated
28 with stream features. Prolonged flow may occur along very short and isolated
29 segments of an ephemeral channel.
30

31 Erosion

32 The wearing away of land surface by the action of wind, water, gravity, or any
33 combination thereof.
34

35 *** **

36 Maintenance Easement

37 An easement on a lot or parcel permitting entry to that lot or parcel for the
38 purpose of maintaining, repairing, or reconstructing a structure or other
39 feature on the lot or parcel, or an abutting lot or parcel.
40

41 Major Drainageway

42 That portion of any drainageway, constructed or natural, that either does, or
43 will under full development, carry a significant peak flow; [ALL EPHEMERAL
44 CHANNELS ARE MAJOR DRAINAGEWAYS;] all constructed or natural
45 drainageways with total contributing areas larger than 40 acres are major
46 drainageways.
47

48 Manual of Uniform Traffic Control Devices (MUTCD)

49 The most current manual or successor document(s) addressing the design
50

and use of traffic control devices, as published, amended and/or interpreted by the U.S. Department of Transportation.

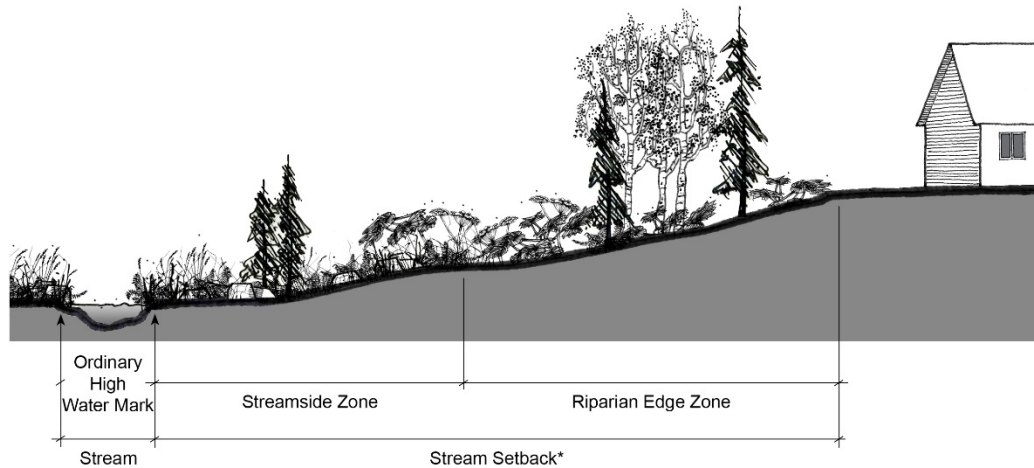
*** *** ***

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.



*Width of stream setback and its streamside and riparian edge zones varies. Refer to AMC 21.07.020B.

Roof

The cover of any building or structure, including the eaves and similar projections.

*** *** ***

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

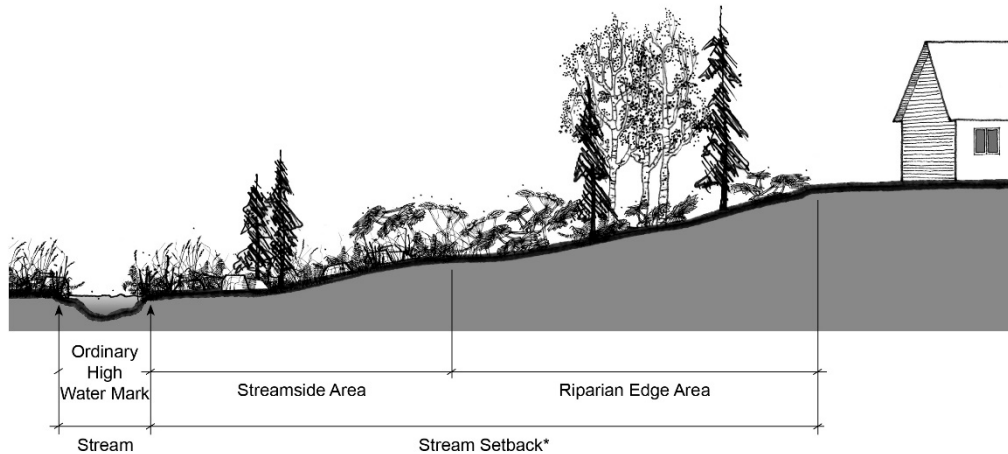
That portion of a stream utilized for water flow during nonflood periods, normally extending from the low point (thalweg) to each bank.

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.



*Width of stream setback and its streamside and riparian edge areas varies. Refer to AMC 21.07.020B.

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.

*** *** ***

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

Section 8. This ordinance shall be effective immediately upon passage and approval by the Assembly.

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14

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

Chair of the Assembly

ATTEST:

Municipal Clerk

DRAFT