Municipal Clerk's Office
Amended and Approved
Date: October 9, 2018

Submitted by: Chair of the Assembly at the Request of the Mayor
Prepared by: Planning Department and Watershed Management Services
For reading: October 9, 2018

ANCHORAGE, ALASKA
AO No. 2018-67(S-1), As Amended

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY REPEALING AND REENACTING ANCHORAGE MUNICIPAL CODE ("AMC") SUBSECTION 21.07.020B. TO UPDATE PROVISIONS REGARDING WATERCOURSE, WATER BODY, AND WETLAND PROTECTION; AMENDING AMC CHAPTERS 21.02 AND 21.03 TO TRANSFER VARIANCE AUTHORITY FOR VARIANCES FROM WATERCOURSE, WATER BODY, AND WETLAND PROTECTION REGULATIONS TO THE ZONING BOARD OF EXAMINERS AND APPEALS; ADDING A NEW SECTION TO AMC CHAPTER 21.12 REGARDING NONCONFORMITIES WITH SAID PROTECTIONS; AND AMENDING AMC 21.14.040, DEFINITIONS, ACCORDINGLY.

(Planning and Zoning Commission Case 2017-0133)

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-*foot*[-] 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 *were* [~~*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 *T[t]*able 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

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.

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

	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
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.			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

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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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Preliminary Plat	21.03. 200C.5.		D-H[9]	D-H[9]	D-H[9]		A	R
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]
Variances from the provisions of 21.05.040K., *Telecommunication Facilities;* 21.06, *Dimensional Standards and Measurements* (except subsection 21.06.030D.9., *Airport Height Regulations*); 21.07.020B., Watercourse, Water Body, and Wetland Protection; 21.07.050, *Utility Distribution Facilities*; 21.09.060, *Dimensional Standards;* 21.09.070J., *Utilities and Utility Equipment Standards;* 21.10.060, *Dimensional Standards;* 21.12, *Nonconformities*.	21.03. 240					D-H		R
Variances from the provisions of 21.07.020C., *Steep Slope Development*; 21.07.060, *Transportation and Connectivity;* 21.08, *Subdivision Standards;* 21.09.070C., *Hazard Areas;* 21.09.070F., *Transportation and Connectivity;* 21.09.070G.1., *Street and Trail Lighting Standards;* 21.09.070H., *Pedestrian Circulation;* 21.10.070B., *Transportation and Connectivity;* 21.10.080, *Subdivision Standards.*	21.03. 240		D-H[13]	D-H[13]	D-H		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.

A = APPEAL = Authority to Hear and Decide Appeals
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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variances 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., Watercourse, 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*	21.03.240			D-H			A	R
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;

c. Chapter 21.07, Development and Design Standards (except subsections 21.07.020B., Watercourse, 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; AO No. 2017-55, § 3, 4-11-17)

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;

c. Subsection 21.07.020B., Watercourse, 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

*** *** ***

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 21.07.020B., Watercourse, 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 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., Watercourse, 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.

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. Watercourse, 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 watercourses, water bodies, and wetlands. Natural setbacks protect *water quality and quantity and* property values*. By minimizing impervious surfaces and maintaining natural vegetation, setbacks also*[~~*and*~~] prevent *costly* 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, *while balancing interests of downstream landowners in protecting their property, by allowing*[~~*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.

vii. The alteration does not increase the setback on adjacent properties without written permission **from the impacted property owner(s). This written permission shall be recorded in the Anchorage Recording District, Third Judicial District, State of Alaska.**

viii. The alteration will not lead to an increase in flooding, erosion, or icing problems upstream or downstream.

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 watercourses 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. Watercourse Boundaries

i. Watercourse 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 watercourse 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 watercourses.

ii. All new plats of record after October 9, 2018 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 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 River [CREEK], Portage Creek, Skookum Creek, Twentymile River,	25 feet	75 feet	100 feet

Bayshore Creek, Campbell Creek, Carol Creek, Chester Creek, Clunie 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, Mink Creek, Mirror Creek, Parks Creek, North Branch North Fork Little Campbell Creek, North Fork Campbell Creek, North Fork Little Campbell Creek, Penguin Creek, Peters Creek, Peterson Creek, Potter Creek, Rabbit Creek, Ship Creek, South Fork Campbell Creek, South Fork Eagle River, South Branch North Fork Little Campbell Creek, South Fork Little Campbell Creek, Stuckagain Creek, Rainbow Creek, Tidewater Slough, Thunderbird Creek, Tiny Creek, Virgin Creek, Winner Creek,	25 feet	25 feet	50 Feet
Alyeska Creek, 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 **stream** tributaries[~~ **of all streams**~~]	25 feet	0 feet	25 feet
Within the Hillside Watershed Protection Area: All named streams listed above	**50 feet**	**0 feet**	**50 feet**
Within the Hillside Watershed Protection Area: All other streams and unnamed stream tributaries	**25 feet**	**25 feet**	**50 feet**
Ephemeral channels	10 feet	0 feet	10 feet

c. Exceptions

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

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

ii. Hillside Watershed Protection Area

For **platted parcels, existing as of October 9, 2018, abutting or encompassing a stream and less than 50,000 square feet in size**, [~~***are subject to only*** ~~]**the 25-foot wide streamside zone stream setback and 25-foot riparian edge zone** *setback shall apply within the footprint of existing disturbances that are nonconforming with this subsection. In naturally vegetated areas not disturbed as of this date, only the uses/activities permitted in a streamside zone shall be permitted within the total 50-foot setback area* [~~***requirement***~~].

[~~**ii**~~]iii. 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**~~]iv. 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.

v. Alternate Means of Compliance and Alternate Setback Options; Including Urban Stream Restoration and Stream Daylighting Projects, Stream-Related Greenway Development Projects, and Similar Actions for the Comprehensive Plan

(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, or elements of the Comprehensive Plan, 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**~~]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

v. Hydro power generation infrastructure, by administrative site plan review to minimize impacts to the setback area.

vi. *Soft surface trails and elevated walkways. Trails and walkways running parallel to streams should generally be located at least 10 feet from streams. Through the design and permitting process, trails may be located closer to the stream for a justified reason, such as overcoming a physical, topographical, or land ownership constraint, or taking advantage of a viewpoint.*[*~~Trails no wider than three feet and unpaved, 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~~**]**Watershed Management Services**.

[~~i. **Uses/activities allowed in the streamside zone.**~~]

i[~~**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.

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

iii[~~**iv**~~]. Recreational fields and golf course fairways *open to the public*.

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

v[~~**vi**~~]. Accessory structures less than 150 square feet and not on a permanent foundation.

vi[~~**vii**~~]. Decks, not to exceed 500 square feet.

vii[~~**viii**~~].Wells.

viii[~~**ix**~~]. Snow storage, in accordance with subsection 21.07.040F.8.

ix[~~**x**~~]. The development footprint of items **iv**, v, vi, vii, **and** viii [~~**, and ix**~~]of the subsection may not cumulatively exceed one-half of the riparian edge zone on the lot.

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. When feasible, accounting for lot sizes and configurations, access needs, and viable economic use of land, 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 municipal, 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; AO No. 2016-34(S), § 1, 4-12-16)

Section 6. *Anchorage Municipal Code section 21.12.10 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):*

21.12.010 General Provisions

A. Purpose

*** *** ***

2. This chapter also regulates characteristics of use such as parking and landscaping. Section 21.12.060 addresses the requirements for developments that don't comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07,[( ]except for section 21.07.020B., Stream, Water Body, and Wetland Protection[)]. *The nonconforming standards for this section are contained in 21.12.045., Nonconforming Encroachments into Watercourse, Water Body, and Wetland Setbacks.*

(AO 2012-124(S), 2-26-13)

Section 7[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 watercourse, water body, and wetland setbacks

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

For the purposes of this code chapter, legally established means legally constructed, permitted, part of an approved conditional use, or part of an approved master plan. Structures and uses located within the streamside zone and the riparian edge zone that were legally

established on or before October 9, 2018 are permitted to remain subject to the following:

1. Streamside Zone

a. Structures, including portions of structures that are located within the streamside zone and are damaged, removed, or destroyed, may be reconstructed within the streamside 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 streamside 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.

c. 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 8. *Anchorage Municipal Code section 21.12.60 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):*

21.12.060 Characteristics of Use

A. Developments are Conforming

1. Development that was legally established before January 1, 2014 that does not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 (except for section 21.07.020B., *Stream, Water Body, and Wetland Protection*) shall be considered conforming on January 1, 2014, and subject to this section. *The standards for d[D]*evelopment that do*[ES]* not conform to section 21.07.020B., *Stream, Water Body, and Wetland Protection*, *[SHALL BE CONSIDERED NONCONFORMING]are contained in 21.12.045., Nonconforming Encroachments into Watercourse, Water Body, and Wetland Setbacks*.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 6, 7-28-15; AO No. 2017-55, § 13, 4-11-17)

Section *9*[~~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. For residential dwelling units, the main front entry serving the dwelling(s) is the “primary front entrance.”

Ephemeral Channel

A natural watercourse[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.

*** *** ***

Hillside Watershed Protection Area

The Hillside Watershed Protection Area contains a high number of headwater streams. Larger stream setbacks in this area are important for protecting the quality of water flowing to downstream receiving waters, including Potter Marsh. The boundary is defined as: starting at the southeast intersection of Lake Otis Boulevard and Abbott Road, continuing east to the boundary of Chugach State Park, following the Chugach State Park Boundary south and west to the Seward Highway, north along the Seward Highway to O’Malley Road, east to Lake Otis

Boulevard, and north to the starting point.

*** *** ***

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.

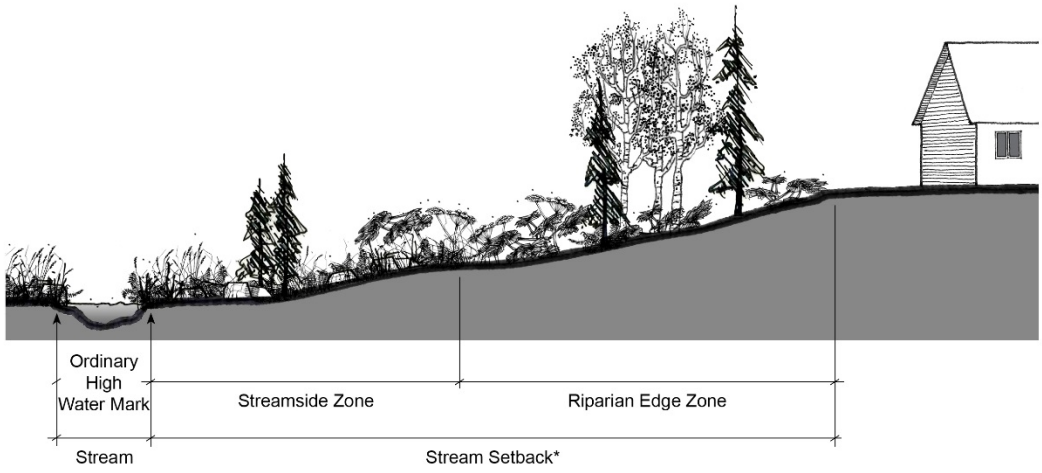
*** *** ***

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.



*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 Bed

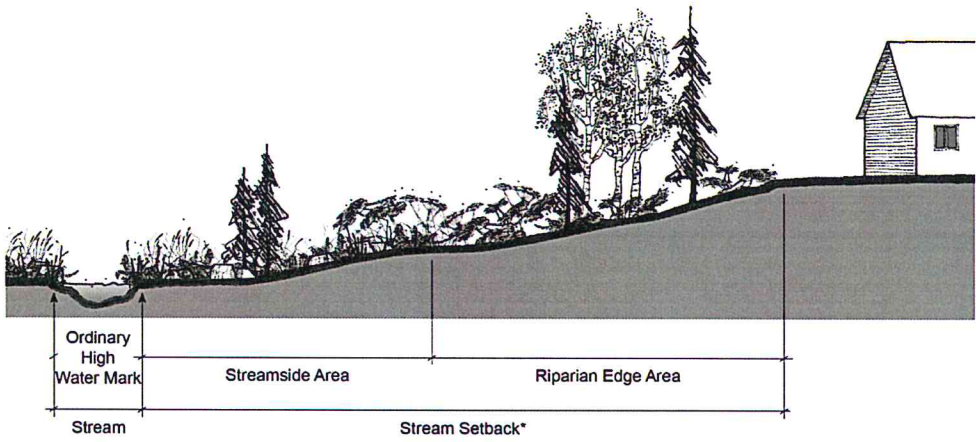
That portion of a stream utilized for water flow during nonflood periods, normally extending from the thalweg (low point) to each bank.

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; AO No. 2015-82, § 7, 7-28-15 ; AO No. 2015-100, § 9, 10-13-15 ; AO No. 2015-133(S), § 6, 2-23-16 ; AO No. 2015-138, § 5, 1-12-16 ; AO No. 2015-142(S-1), § 10, 6-21-16 ; AO No. 2016-3(S), § 18, 2-23-16 ; AO No. 2016-144(S) , § 2, 1-1-17; AO No. 2017-55 , § 14, 4-11-17; AO No. 2018-12 , § 2, 2-27-18))

Section *10*[~~*8*~~]. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of October, 2018.

Chair

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 502-2018(A)

Meeting Date: October 9, 2018

From: **MAYOR**

Subject: **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY REPEALING AND REENACTING ANCHORAGE MUNICIPAL CODE ("AMC") SUBSECTION 21.07.020B. TO UPDATE PROVISIONS REGARDING WATERCOURSE, WATER BODY, AND WETLAND PROTECTION; AMENDING AMC CHAPTERS 21.02 AND 21.03 TO TRANSFER VARIANCE AUTHORITY FOR VARIANCES FROM WATERCOURSE, WATER BODY, AND WETLAND PROTECTION REGULATIONS TO THE ZONING BOARD OF EXAMINERS AND APPEALS; ADDING A NEW SECTION TO AMC CHAPTER 21.12 REGARDING NONCONFORMITIES WITH SAID PROTECTIONS; AND AMENDING AMC 21.14.040, DEFINITIONS, ACCORDINGLY.**

The Project Management and Engineering Department, Watershed Management Division (WMS) identified necessary changes to Anchorage Municipal Code, to update provisions regarding Stream, Water Body, and Wetland Protection.

The proposed changes include modifications to several chapters of Title 21 including Chapter 7, Stream, Water Body, and Wetland Protection; Chapters 2, which transfer variance authority for variances from stream, water body, and wetland protection regulations to the Zoning Board of Examiners and Appeals; adding a new section to Chapter 12 regarding nonconformities with said protections and setbacks; and amending Chapter 14, Definitions.

The primary driver for this effort is language contained in the current code instructing the MOA to revisit the issue of stream setbacks and:

1. To provide wider stream protection setbacks; and

2. To provide relief for property that would be impacted or rendered nonconforming by such wider setbacks.

This ordinance addresses both goals outlined by Title 21.

The version of this ordinance before the Assembly has taken into account

amendments approved by the Planning and Zoning Commission during their May 7, 2018 meeting.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by:	Shawn Odell, Senior Planner, Planning Department
Approved by:	Michelle J. McNulty, Planning Director
Concur:	Christopher M. Schutte, Director Office of Economic & Community Development
Concur:	Lance Wilber, Director Office of Management and Budget
Concur:	Alexander Slivka, CFO
Concur:	Rebecca A. Windt Pearson, Municipal Attorney
Concur:	William D. Falsey, Municipal Manager
Respectfully submitted:	Ethan A. Berkowitz, Mayor

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2018-67(S-1)_ Title: **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY REPEALING AND REENACTING ANCHORAGE MUNICIPAL CODE ("AMC") SUBSECTION 21.07.020B. TO UPDATE PROVISIONS REGARDING WATERCOURSE, WATER BODY, AND WETLAND PROTECTION; AMENDING AMC CHAPTERS 21.02 AND 21.03 TO TRANSFER VARIANCE AUTHORITY FOR VARIANCES FROM WATERCOURSE, WATER BODY, AND WETLAND PROTECTION REGULATIONS TO THE ZONING BOARD OF EXAMINERS AND APPEALS; ADDING A NEW SECTION TO AMC CHAPTER 21.12 REGARDING NONCONFORMITIES WITH SAID PROTECTIONS; AND AMENDING AMC 21.14.040, DEFINITIONS, ACCORDINGLY.**

Sponsor: Mayor
Preparing Agency: Planning Department
Others Impacted:

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

	FY18	FY19	FY20	FY21	FY22
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 negative financial impact on the public sector. No additional public expenditures are required.

PRIVATE SECTOR ECONOMIC EFFECTS:

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

Prepared by: Shawn Odell Telephone: 343-7941

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2018-009

A RESOLUTION APPROVING TO REPEAL AND REENACT AMC 21.07.020B. TO UPDATE PROVISIONS REGARDING STREAM, WATER BODY, AND WETLAND PROTECTION; AMENDING AMC CHAPTERS 21.02 TO TRANSFER VARIANCE AUTHORITY FOR VARIANCES FROM STREAM, WATER BODY, AND WETLAND PROTECTION REGULATIONS TO THE ZONING BOARD OF EXAMINERS AND APPEALS; ADDING A NEW SECTION TO AMC CHAPTER 21.12 REGARDING NONCONFORMITIES WITH SAID PROTECTIONS; AND AMENDING AMC 21.14.040, DEFINITIONS, WITH EDITS BY THE PLANNING DEPARTMENT AND WATERSHED MANAGEMENT SERVICES.

(Case 2017-0133)

WHEREAS, a request was received from The Municipality of Anchorage, Planning Department and Watershed Management Services, for approval to repeal and reenact AMC 21.07.020B. to update provisions regarding stream, water body, and wetland protection; amending AMC Chapters 21.02 to transfer variance authority for variances from stream, water body, and wetland protection regulations to the Zoning Board of Examiners and Appeals; adding a new section to AMC Chapter 21.12 regarding nonconformities with said protections; and amending AMC 21.14.040, Definitions, with edits by the Planning Department and Watershed Management Services.

WHEREAS, public hearing notices were mailed to all community councils, and a public hearing was held on February 5, 2018 and furthered on May 7, 2018.

NOW, THEREFORE BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

1. The primary driver for this effort was Assembly action with the current code that instructed the MOA to revisit the stream setback issue and to provide wider stream setbacks and relief for property that would be impacted.

2. This ordinance addresses both goals outlined by Title 21.

3. Watershed Management Service conducted research into the effectiveness and impacts of wider setbacks including a review of national standards, GIS analysis of various setback widths on Anchorage's array of stream types and existing development patterns.

4. Input was solicited from the development community and local stream advocacy groups.

B. The Commission recommends approval of the proposed ordinance with staff recommendations listed in the staff packet repealing and reenacting AMC 21.07.020B. to update provisions regarding stream, water body, and wetland protection; amending AMC Chapters 21.02 to transfer variance authority for variances from stream, water body, and wetland protection regulations to the Zoning Board of Examiners and Appeals; adding a new section to AMC Chapter 21.12 regarding nonconformities with said protections; and amending AMC 21.14.040, Definitions, with the following changes/corrections in addition to the staff recommended changes:

1. Page 18 of 23, 21.12.045.A Modify this section to read:

A. Continuation of Nonconforming or Legally Constructed Structures and Uses Within Required Setbacks

<u>For the purposes of this code chapter, legally established means legally constructed, permitted, part of an approved conditional use, or part of an approved master plan.</u> 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:

2. Page 14 of 23, 21.07.020.B.9.d.vi. - Modify this section to read:

1. Streamside Zone
<u>vi. Trails no wider than three feet and unpaved, except where part of an urban stream restoration project.</u>

PASSED AND APPROVED by the Municipal Planning and Zoning Commission the 7th day of May 2018.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 11th day of June, 2018. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to the Anchorage Municipal Code 21.03.050.

David R. Whitfield
for Secretary

Tyler P. Robinson
Chair

(Case 2017-0133)

PLANNING AND ZONING COMMISSION
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
May 7, 2018
6:30 PM

A. ROLL CALL

Present	Tyler Robinson
	Jon Spring
	Andre Spinelli
	Danielle Bailey
	Greg Strike
	Brian Looney
	Jared Gardner
	Seth Andersen
Excused	Mitzi Barker
Staff	Dave Whitfield
	Sharon Ferguson
	Shawn Odell
	Francis McLaughlin
	Sonnet Calhoun
	Jeff Urbanus

B. MINUTES

1. Monday, April 9, 2018

COMMISSIONER SPINELLI moved to approve the minutes. COMMISSIONER STRIKE seconded.

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

Commissioner Andersen arrived at 6:36 p.m.

C. SPECIAL ORDER OF BUSINESS / EXECUTIVE SESSIONS

1. Disclosures

COMMISSIONER BAILEY disclosed in Case 2017-0124 that she did not participate and will not be voting on Resolution 2018-005.

COMMISSIONER SPINELLI disclosed in Case 2017-0133 that he was absent when the case was initially heard, but has since listened to the audio and can participate.

COMMISSIONER ANDERSEN disclosed in Case 2017-0124 that he did not participate and will abstain from voting on the resolution.

COMMISSIONER SPRING informed the Commission that Sharon Ferguson with the Planning Department is retiring and thanked her for her service to the Municipality of Anchorage.

D. CONSENT AGENDA

1. Resolutions for Approval

a. Resolution: 2018-005 Related Case: 2017-0124
Purpose: APPROVAL (SMO)
Remand from Board of Adjustment Appeal from Planning & Zoning Commission Case 2016-0023, a public hearing site plan review per AMC 21.55.130 and AMC 21.50.320 for a large retail establishment (Sears Mall/Nordstrom Rack) in the B-3 (General Business) District.

b. Resolution: 2018-006 Related Case: 2018-0033
Purpose: APPROVAL (FDM)
Conditional Use Permit for the bulk storage of hazardous materials for proposed Rancho Mesa Bulk Fuel Storage and Terminal Facility in the I-2 (Heavy Industrial) District within the Port of Alaska.

c. Resolution: 2018-007 Related Case: 2018-0038
Purpose: APPROVAL (SC)
Major Site Plan Review requested by Gottstein Properties, LLC for the Carrs Store remodel.

2. Introduction for Public Hearings

3. Site / Landscape Plan Approval

a. CASE: 2018-0045 (SDF)
PETITIONER: Municipality of Anchorage – PM&E
REQUEST: Context Sensitive Solutions Transportation Project (Concept Report) Site Plan Review for 3rd Avenue Channelization Project (MOA/PM&E Project #17-037).

4. **Time Extensions; Expedited Hearing Requests; Minor Conditional Use Amendments**

5. **Other**

COMMISSIONER STRIKE moved to approve the consent agenda. COMMISSIONER BAILEY seconded.

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

Commissioners Bailey and Andersen abstained from voting on Resolution 2018-005.

CHAIR ROBINSON asked if there were any questions regarding Case 2018-0045 that was on the consent agenda.

TANYA HICKOK with The Boutet Company represented the petitioner and responded to questions from the Commission regarding the trucking industry; bicycle and pedestrian issues; Beans Café and the Brother Francis Shelter.

E. UNFINISHED BUSINESS AND ACTIONS OF PUBLIC HEARINGS

CHAIR ROBINSON read the appeal process.

1. **CASE: 2017-0133 (SMO)**
PETITIONER: Municipality of Anchorage – Public Works
REQUEST: Review and Recommendation by Planning and Zoning Commission to the Assembly of an Ordinance Amendment to: 1) repeal and reenact Anchorage Municipal Code (AMC) Subsection 21.07.020B. to update provisions regarding Stream, Water Body, and Wetland Protection, 2) amend AMC Chapters 21.02 and 21.03 to transfer variance authority for variances from stream, water body, and wetland protection regulations to the Zoning Board of Examiners and Appeals 3) add a new section to AMC Chapter 21.12 regarding nonconformities with said protections and setbacks and 4) amend AMC Section 21.14.040, Definitions, accordingly.

SHAWN ODELL presented the staff report and recommendations on behalf of the Municipality's Planning Department. JEFF URBANUS with MOA Watershed Management was also present and responded to questions from the Commission.

The Commission discussed the Hillside District Plan's setbacks.

COMMISSIONER SPRING moved in Case 2017-0133 to recommend approval of the ordinance with the recommended changes and corrections on pages 2 through 4 in the staff report dated February 5, 2018. COMMISSIONER LOONEY seconded.

COMMISSIONER BAILEY expressed that, overall, she is very much in favor both the goal and the details of this plan. There have been some critical issues, but there was a lot of balance put into this. The staff addressed specific tracts of land and whenever this big of a shift occurs something like that is going to happen. However, she will be proposing an amendment because the overarching goals set out were to provide wider stream protection setbacks, and to provide relief for property that would be impacted or render nonconforming by those wider setbacks. She finds that this is not actually the case in the Hillside District Plan.

COMMISSIONER BAILEY moved to amend this ordinance to keep the Hillside District Plan at a minimum hard 50-foot stream setback. COMMISSIONER STRIKE seconded.

COMMISSIONER BAILEY noted that, for the most part, every other aspect of the plan was very well looked at. She appreciated the outreach effort to the public and the community council feedback of which most was positive, except the Hillside area and her amendment will address that. A lot of outreach and a lot of hard work went into this.

MR. ODELL asked for clarification that Commissioner Bailey's amendment included streams, named or otherwise, and unnamed tributaries of all streams.

COMMISSIONER BAILEY replied that her amendment would include that language.

COMMISSIONER LOONEY stated that the plan does increase the setbacks in some streams that are science-based. His understanding is that the plan reduces the setbacks for small unnamed streams that you can step across, but increases it for large streams like those in the Girdwood area or Peters Creek. If the overall goal is to adjust the setbacks to fit the stream, he thinks it has been done. It has actually gone down in some places and up in others. He will not support the amendment.

MR. URBANUS explained that the way the plan was implemented was based on the boundary of the Hillside District planning area. If you look at a map there are cases, for example Little Rabbit Creek, that if it was outside the Hillside District planning boundary, it was 25 feet, but once it crossed into the Hillside District planning boundary it went to 50 feet. Once it reached beyond the outer part of the upper edge, then it went back to 25 feet and would alternate back and forth between 50 feet and 25 feet. Overall, there was a loss on some of them, but it was more consistent. It was sort of a mixed bag.

COMMISSIONER SPINELLI concurred with Commissioner Looney and will not support the amendment. He believes in the science-based engineering approach and just going with a flat 50-foot only in the Hillside District Plan does not make sense to him. He thinks it will have a negative effect on a lot of property.

COMMISSIONER BAILEY does not think a district should be punished for being forward thinking and increasing those stream setbacks a while ago. What is happening is that the goal of this ordinance is to increase the stream setbacks, so what was presented to us was a very good balance of expanding it where they can, but also trying to provide that buffer where it could be taking away property from someone. However, in the case of the Hillside District, they have already expanded it, so she does not think we should punished them for already looking out for the preservation of their area by saying that we are trying to catch

up with the rest of the district and will be pushing them back in time. That is something that should be considered and she will still be supporting her motion.

COMMISSIONER SPRING will not be supporting the motion. The primary purpose of the Hillside District Plan was not to establish stream setbacks. There were a lot of other issues involved and he thinks this process overrides the Hillside District Plan because of the thoroughness of the process and the scientific approach to the process. He does not think there was a scientific approach to the process of the Hillside District Plan analyzing the needs for setbacks, so this should, legitimately, override the Hillside District Plan for good reasons.

FIRST AMENDMENT

AYE: Bailey, Strike, Gardner
NAY: Robinson, Spring, Spinelli, Looney, Andersen

FAILED

COMMISSIONER LOONEY moved to amend Recommendation 6(a) on page 3 to read, "Continuation of nonconforming already legally constructed structures and uses within required setbacks" and the following paragraph to read, "For the purposes of this code chapter, legally established means legally constructed,..." COMMISSIONER BAILEY seconded.

SECOND AMENDMENT

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

COMMISSIONER STRIKE moved to amend page 35 and incorporate the language clarification to include trails no wider than three feet and unpaved except when part of an urban stream restoration project. COMMISSIONER BAILEY seconded.

THIRD AMENDMENT

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

MAIN MOTION AS AMENDED

AYE: Robinson, Spring, Spinelli, Bailey, Looney, Gardner, Andersen
NAY: Strike

PASSED

F. REGULAR AGENDA

1. **Resolutions for Approval**

2. **Introduction for Public Hearings**

3. **Site / Landscape Plan Approval**

4. **Time Extensions; Expedited Hearing Requests; Minor Conditional Use Amendments**

5. **Other**

   a. **CASE: 2017-0109 (SDF)**
   PETITIONER: State of Alaska – DOT&PF
   REQUEST: Context Sensitive Solutions Transportation Project Site Plan Review for Seward Highway: O'Malley Road to Dimond Boulevard Reconstruction (MOA/ADOT Federal Project No. 0537(008)/IRIS Project No. CFHWY00012).

SHARON FERGUSON presented the staff report and recommendations on behalf of the Municipality's Planning Department. She noted that the Diverging Diamond Intersection at Dimond Boulevard raised concerns for the Fire Department. Fire Station No. 12 is located on Homer Drive and had questions as to how they would get through that intersection heading south when responding to calls. The Traffic Department, DOT&PF, and the Fire Department resolved the issue and she has included the Fire Department's recommendations on page 10 of the staff packet, and would like these to be included as part of the conditions of approval.

SEAN BASKI with DOT&PF represented the petitioner.

The Commission discussed Average Daily Trips (ADT) in the section of Dimond Boulevard and O'Malley.

COMMISSIONER LOONEY moved in Case 2017-0109 to approve the Draft Design Study Report - Seward Highway: O'Malley Road to Dimond Boulevard Reconstruction, subject to Conditions 1 through 3 and the three additional conditions listed in the Memorandum from the Fire Department on page 10. COMMISSIONER STRIKE seconded.

COMMISSIONER LOONEY thinks the Design Study Report does a great job addressing capacity, connectivity, and safety. He understood what Commissioner Spring had stated, but from his experience in the area, he definitely has seen the Dimond area experience congestion almost on a daily basis. The modeling might be more informative, but from what he has observed it needs it now, and in 30 years it will need this for sure.

COMMISSIONER STRIKE echoed Commissioner Looney's statement. He pointed out the benefits of having previous discussions as this was not the first time the Commission has seen this and discussed it. The public in attendance this evening may think that we did not spend much time with this, but we are familiar with the project. He thanked the petitioner's representative for his presentations, both previous and current.

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

G. PUBLIC HEARINGS

1. **CASE: 2018-0040 (FDM)**
   PETITIONER: Hanseitel, LLC
   REPRESENTATIVE: Conditional Use for off-street parking in the R-3 (Mixed Residential) District for the Alaska Sausage Company, Inc.

FRANCIS MCLAUGHLIN presented the staff report and recommendations on behalf of the Municipality's Planning Department.

RON THOMPSON represented the petitioner.

The Commission discussed street parking; the landscape plan not having been performed by a registered professional architect; the eight conditions placed on the original conditional use submitted in 2002; and bonds.

CHAIR ROBINSON opened the hearing to public testimony. There was no public testimony.

MR. THOMPSON provided rebuttal testimony.

CHAIR ROBINSON closed the public hearing.

COMMISSIONER STRIKE moved in Case 2018-0040 to approve the amendment to a conditional use for off-street parking in the R-3 mixed residential district, subject to Conditions 1 through 3. COMMISSIONER LOONEY seconded.

COMMISSIONER STRIKE stated that there was no public testimony for or against this matter. The petitioner will continue to pursue the development of this lot through its replatting, through its zoning, and through the building construction. Many of the concerns that were raised will be addressed during the permitting process.

COMMISSIONER BAILEY finds that it meets all nine approval criteria of AMC 21.03.080D. While there was not a resolution of support by the Spenard Community Council, it appeared that there was a non-objection to this, which is, essentially, in support of. She will be in favor of this as well.

CHAIR ROBINSON expressed that he will also support the motion. A parking lot is an allowed use by conditional use in the R-3 zoning district. It is not uncommon to have parking lots in business districts as well as multi-family zoning districts. This approval, along with the others that are coming, allows for some additional business development in a part of town that could use a little bit of positive development.

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

2. **CASE: 2018-0041 (SC)**
PETITIONER: Seritage SRC Finance, LLC
REQUEST: Major Site Plan Review for redevelopment of tenant space in a large commercial establishment (The Mall at Sears).

SONNET CALHOUN presented the staff report and recommendations on behalf of the Municipality's Planning Department.

TIM POTTER with DOWL represented the petitioner. The petitioner is in agreement with staff's recommendations with the exception of Recommendation #3 and requested to have that stricken. He explained that this appears to be covered in Condition 2(a).

The Commission discussed if interior improvements were included in the calculation; how future tenant spaces are calculated; the comment submitted by DOT&PF regarding the pedestrian connection on Northern Lights Boulevard; and landscaping.

CHAIR ROBINSON opened the hearing to public testimony. There was no public testimony.

MR. POTTER provided rebuttal testimony.

CHAIR ROBINSON closed the public hearing.

COMMISSIONER BAILEY moved in Case 2018-0041 to approve the Major Site Plan Review, subject to the conditions on page 16. COMMISSIONER STRIKE seconded.

COMMISSIONER BAILEY moved to amend Condition #3 to state, "Resolve with the Planning Department the need for improved pedestrian access to the east entry doors from the sidewalk along Northern Lights Boulevard." COMMISSIONER GARDNER seconded.

COMMISSIONER BAILEY noted that it does sound as if staff has validated the petitioner's concern that this is outside of DOT's purview. If we are going to be discussing it with someone who is intimate with these issues, it should be the Planning Department.

CHAIR ROBINSON will also support the amendment. He recognized that Mr. Potter would rather not have Condition #3 at all and that it was covered under another condition, but he also did hear him indicate that it was not a big issue and could be dealt with.

AMENDMENT

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

COMMISSIONER STRIKE complimented the developer and the petitioner for coming forward in this economic time and making improvements that the community will benefit from. He appreciated the commitment to remain in the community and helping to make it a vital and viable work and play space.

COMMISSIONER SPRING finds that this meets the goals and the intent of the Comprehensive Plan. This is in the Midtown area, which has real potential for growth and improvement. It also meets all of the criteria in AMC 21.03.180F for a Major Site Plan Review. It goes over and above the requirements towards conformity and the petitioner should be commended for that.

COMMISSIONER STRIKE added that there was no public testimony for or against this matter. The adjoining property owner did not testify or raise any negative concerns regarding the property improvements.

CHAIR ROBINSON intends to support the motion. Clearly, as a structure built in the 1960s as a big giant box, the property has some challenges to meet our current code in totality, but this moves it towards conformity and exceeds the minimum amount that would have been required to move it in that direction. This Commission has heard a number of cases and, he thinks, the overall site with both of the improvements that have come before us, as well as those improvements that have been made not before us, really start to make this place feel like one that has visual interest on multiple sides; and in the most visual location in Midtown. It is commendable and there is a lot more landscaping to take care of now, and there will be no more connexes in the parking lots

MAIN MOTION AS AMENDED

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

H. APPEARANCE REQUEST - None

I. REPORTS - None

1. Chair

2. Secretary

3. **Committee**

   a. **Title 21 Committee - Robinson**

   b. **Citizens Advisory Committee - Spring**

   c. **TSAIA Master Plan Committee**

   d. **Wetlands - Strike**

   e. **Live, Work, Play Housing Focus**

J. TITLE 21 DISCUSSION - None

K. COMMISSIONERS' COMMENTS - None

L. ADJOURNMENT

COMMISSIONER STRIKE moved to adjourn. COMMISSIONER BAILEY seconded.

AYE: Robinson, Spring, Spinelli, Bailey, Strike, Looney, Gardner, Andersen
NAY: None

PASSED

The meeting adjourned at 9:42 p.m.

MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM
No. AIM 106-2018

Meeting Date: October 9, 2018

From: **Chair Dunbar**

Subject: **Resolution of the Watershed & Natural Resources Advisory Commission, Resolution No. 2018-01 Supporting Changes to the Title 21 Stream Protection Setback Ordinance, Ordinance No. AO Ordinance No. AO 2018-67(S)**

Please see the attached resolution for your review and information.

Prepared by: Barbara A. Jones, Municipal Clerk
Respectfully submitted: Forrest Dunbar, Chair

MUNICIPALITY OF ANCHORAGE

WATERSHED & NATURAL RESOURCES ADVISORY COMMISSION
RESOLUTION NO. 2018-01

A RESOLUTION SUPPORTING CHANGES TO THE TITLE 21 STREAM PROTECTION SETBACK AT SECTION 21.07.020 AND TO THE DEFINITION SECTION 21.14.040 PROPOSED BY THE PLANNING DEPARTMENT.

(WNRC Case No. 2015-03)

WHEREAS, the Anchorage Assembly adopted final revisions to Title 21 of the Municipal Land Use Code on February 26, 2013; and

WHEREAS, throughout the code revision process, public and agency comments encouraged the Municipality to expand the stream protection setback distance to better manage floodplains and protect stream channels, fish habitat, water quality, and public and private property, and to establish Anchorage setbacks more in line with those used across the United States; and

WHEREAS, the scientific literature and national practices generally show that setbacks of 100' or greater provide the most effective protection of water quality, floodplain, ecological, and related stream functions; and

WHEREAS, the Anchorage Assembly determined during public hearings and subsequent deliberations that there was insufficient information for it to decide what would be the most appropriate and realistic setback distance to adopt in Title 21, given the breadth of development, the variation of stream channel types, the impacts of a new setback distance on existing development, and the unknown extent of nonconformities it might create; and

WHEREAS, the Anchorage Assembly passed the new Title 21 with the following condition relative to Section 21.07.020:

> *It is the intent of the municipality to follow the adoption of the Title 21 Rewrite Project (2002-2012) within six months with a separate public process to complete the development of a stream protection setback amendment to Title 21. Objectives include:*
>
> *a. To provide wider stream protection setbacks; and*
>
> *b. To provide relief for property that would be impacted or rendered nonconforming by such wider setbacks.*

WHEREAS, the Long-Range Planning Division and Watershed Management Services undertook additional data gathering and analysis, solicited information and expert opinion from the Watershed & Natural Resources Advisory Commission, and produced a draft revised stream setback ordinance (AO 2018-67); and

WHEREAS, the Watershed & Natural Resources Advisory Commission reviewed data analyses, mapping exercises, concepts and early drafts of this revised code section at several regular meetings in 2014, and reviewed a draft Stream Setback Ordinance at its July 29, 2015 regular meeting, and the final draft ordinance AO 2018-67 and the Substitute AO 2018-67(S) at its August 22, 2018 regular meeting; and

WHEREAS, the Watershed & Natural Resources Advisory Commission concurs with staff that the proposed two-tiered setback provides an effective, realistic setback recommendation that factors in and balances scientific standards, stream morphology, floodplain width, public interest, and extent of existing and potential development.

NOW, THEREFORE, BE IT RESOLVED by the Watershed & Natural Resources Advisory Commission that:

A. The Commission makes the following findings:

1. The proposed new Title 21 Stream Protection Ordinance Substitute version meets the intent of the Assembly's directive for setback regulations that realistically accounts for and balances Anchorage's varied stream channels and development conditions while reflecting science-based data.

2. The proposed Substitute version of AO 2018-67 meets the need to revise the code to properly manage stream channels and adjacent land throughout the Municipality.

B. The Commission recommends that the Anchorage Assembly adopt AO 2018-67(S), the revised Stream Setback Ordinance.

PASSED AND APPROVED by the Watershed & Natural Resources Advisory Commission on this 26th day of September, 2018.

for _____
Michelle J. McNulty, AICP
Secretary

_____
Tamás Deák
Chair

(WNRC Case No. 2015-03)

MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATIONAL MEMORANDUM
No. AIM 107-2018

Meeting Date: October 9, 2018

From: **Chair Dunbar**

Subject: **Information from Citizen Testifying Regarding the Changes to the Title 21 Stream Protection Setback Ordinance, Ordinance No. AO Ordinance No. AO 2018-67**

Please see the attached information from your review and information.

Prepared by: Barbara A. Jones, Municipal Clerk
Respectfully submitted: Forrest Dunbar, Chair

Support for maintaining the 2010
Hillside District Plan's existing stream setbacks
September 2018

WHEREAS, 50-foot stream setbacks were adopted in the Hillside District Plan (HDP) in 2010 after extensive public input and scientific involvement;

the HDP's 50-ft stream setbacks were codified in AMC Title 21.07.020B.4.a.i in 2012 with the provision that setbacks were to be 'undisturbed;'

national trends in steam protection and water quality science identify the width of the setback as being critical to maintaining water quality, protection of stream habitats and reducing downstream floodplain and storm impacts;

wider setbacks have been shown to protect private property from costly flooding, erosion and icing; and

the HDP's current 50-ft setbacks have proven to be compatible with normal residential development and use, and have generated only four waiver requests over 5 years, therefore,

The undersigned support: maintaining the HDP's 50-ft undisturbed stream setbacks (per side) for named streams within the Hillside Watershed Protection Area, except on lots of 10,000 square feet or less, where there shall be 25-ft undisturbed setbacks, per side. These provisions shall be incorporated into the proposed stream setback code as part of 2018-167-S .

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
1	Jerome Lewanski	[redacted]	19500 Villages Scenic Pky, 99516
2	Paula Cullenberg		6743 E 140th Ave 99516
3	MICHAEL MALVICK		6915 RABBIT CREEK ROAD 99516
4	Bert Lewis		17520 Snow Crest 99516
5	Roger Marks		12550 Tailsum Hill Dr. 99516

Signatures in Support of maintaining the 2010 Hillside District Plan's existing stream setbacks September 2018, cont.

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
6	Charles Holmes	[redacted]	15140 Mesa Place 99516
7	Peter M. Crimp		6743 E 140TH AVE 99516
8	Thomas E. Wrackram		9500 Prospect Drive Anch AK 99507
9	Janis Reynolds		17801 Steamboat Dr. Anch AK 99516
10	Judy Cammack		12550 Toilsome Hill Dr Anch AK 99516
11	Heather Gates		17520 Snow Crest Lane, Anchorage, AK 99516
12	SARA JUDAY		17601 Steamboat DR. Anch. AK 99516
13	Ed Pocock		17500 ROSEMONT ANCH AK 99516
14	Candy Pocock ~~Matthews~~		17500 Rosemont Anch AK 99516
15	Dave Wellstead		5850 Romania Dr AK 99516.
16	Valerie Phelps		19000 Spain Drive Anch. AK 99516
17	Gould Voigt		16431 St. James Cr. Anchorage, AK 99516
18	Michelle Taenaka		17500 Steamboat Dr. Anchorage AK 99516
19	Shirley EVANS		16431 St. James Circle, ANC, AK 99516
20	Paul Soslin		5838 Romania Dr, Anchorage, AK 99516

Signatures in Support of maintaining the 2010 Hillside District Plan's existing stream setbacks September 2018, cont.

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
21	Joan E. Galt	[redacted]	5838 Romania Dr. Anchorage, AK 99516
22	Amy S. Maclean		18010 Norway Cir Anchorage 99516
23	Ruth Glenn		5850 Romania Dr. Anchorage AK 99516
24	WALT WREDE		6615 E. 140th AVE ANCH. 99516
25	Jeanne Schaaf		6961 Rabbit Creek Rd Anchorage 99516
26	ROBERT WERNER		6961 RABBIT CREEK Rd. ANCH, AK 99516
27	Dianne Holmes		15140 mesa pl, Anchorage, AK 99516
28	Rodney Powell		8625 Cinerama Cir 99516
29	Joseph Linden		6720 Cloudcroft Lane, 99516
30	Pete Johnson		5201 Taurus Circle 99516
31	CHRIS HAMRE		17701 GOLDENVIEW DR
32	Sharon F. Holland		14020 Stover Place Anch. AK 99516
33	Kurt Rein		7524 Zurich St anch 99507
34	Christine Monette		11300 Verome Street, ANC 99516
35	Shirley Cote		2900 Spurlaker Dr. 99516

Signatures in Support of maintaining the 2010 Hillside District Plan's existing stream setbacks September 2018, cont.

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
36	Maribeth Brown	[redacted]	14960 Sierra Way 99516
37	DENNIS BROWN		" " "
38	Deborah Ward		16600 Ransom Ridge Rd, Anchorage AK 99516
39	Brad Kyter		16600 Ransom Ridge Rd. Anch AK 99516
40	Hezekiah Holland		14020 Stover Pl 99516
41	Linda Janidlo		14000 Pickett St. 99516
42	Thom f. Janidlo		" "
43	Scott O. Sell		14550 JoAnne Cir Anch., AK. 99516
44	DAVID O. EVANS		6010 Austria Dr. Anchorage, AK 99516
45	Patricia Hansen		6010 Austria Drive, AK 99516
46	Ramona Schmuschein		6131 Austria Dr, AK. 99516
47	Doug Tryck Douglas Tryck		3625 Rabbit Creek Road 99516
48	Melinda S. WILLIS		4860 E. 145th Ave 99516
49	David Schroyer		4860 E. 145 th Ave 99516
50	WRAY KINARD		14600 JOANNE CIR. 99516
51	Lucinda H. Kinard		14600 Joanne Circle 99516

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national trends in steam protection and water quality science identify the width of the setback as being critical to maintaining water quality, protection of stream habitats and reducing downstream floodplain and storm impacts;

wider setbacks have been shown to protect private property from costly flooding, erosion and icing; and

the HDP's current 50-ft setbacks have proven to be compatible with normal residential development and use, and have generated only four waiver requests over 5 years, therefore,

The undersigned support: maintaining the HDP's 50-ft undisturbed stream setbacks (per side) for named streams within the Hillside Watershed Protection Area, except on lots of 10,000 square feet or less, where there shall be 25-ft undisturbed setbacks, per side. These provisions shall be incorporated into the proposed stream setback code as part of 2018-167-S2.

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
52	Ann Rappoport	[redacted]	17053 Aries Ct, Anch 99516
53	ART WEINER	[redacted]	16641 VIRGO Ave, Anch 99516
54	ANTONIO PARAVIESHAMAN	[redacted]	16644 VIRGO AVE ANCAK 99516
55	WILLIAM PEDERSEN	[redacted]	16704 VIRGO AVE. 99516
56	Vicki L. Pedersen	[redacted]	16704 Virgo ave 99516

Signatures in Support of maintaining the 2010 Hillside District Plan's existing stream setbacks September 2018, cont.

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
77	Chantele Muffoletto	[redacted]	17046 Feodosia Dr. Anchorage, AK 99516
78	Joe McAllen		4828 Virgo Ave 99516
79	Marcia Harth		4921 Virgo Ave 99516
80	John Pinamont		4936 Virgo Ave 99516
81	Jennifer Johnson		17000 Belarde Ave 99516
82	Pat Pourchot		17000 Belarde Ave 99516
83	Allen Dow		17001 Belarde Ave 99516
84	Kim Driftmier		17020 Belarde Ave 99516
85	MEEGAN DRIFTMIER		17020 BELARDE AVE ANCHORAGE AK 99516
86	Tim Weeks		17135 Belarde Ave Anch AK 99516
87	Dominique Kurth		4995 E 172ND Ave A/A 99516
88	PATRICIA KURTH		4995 E. 172nd Ave. Anch, AK 99516
89	Brian Spink		16544 Virgo Ave, Anc AK 99516
90	Douglas Causey		16601 Virgo Ave, Anc. 99516
91	CAROL FRIES		16641 Virgo Ave. Anc. 99516

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	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
92	David Mosier	[redacted]	15740 WindSong Dr 99516
93	Lisa Holzapfel		12016 Wilderness Rd 99516
94	MARY RITA GODBY ELY		5441 E. 131st Ave 99516
95	CRAIG ELY		5441 E 131ST AVE 99516
96	James Johnston		4611 Ribbit Creek Rd Anchorage 99516
97	Valerie Kenny		17016 Aries Ct Anchorage AK 99516

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	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
107	Adam S. Lees	[redacted]	14000 Joanne Cir. 99516
108	Jesse Grundblatt		19130 Pine Ridge Circle 99516
109	Chris Reynolds		1789 Steamboat Dr. 99516
110	Peter Johnson		5201 Taurus Circle, Anch 99516
111	Amy Schumacher		9320 Autumn Ridge Cir 99507

Signatures in Support of maintaining the 2010 Hillside District Plan's existing stream setbacks September 2018, cont.

	NAME (print)	SIGNATURE	ADDRESS (#, street, zip code)
112	Wendy Gellert	[redacted]	2221 Belmont Dr. Anc 99517
113	Elizabeth Pecker		15000 Golden View Dr Anc 99516
114	LOUISE LANE		9102 GANALEE 99507
115	June Takagi		4050 142nd Ave. Anchorage 99516
116	Suzanne Ward		6760 Crooked Tree Cir. Anchorage 99507
117	Tracy Dunn		7641 Strawberry Anch 99502
118	Theodore M. Pease		15100 Elgmore Rd. Anch. 99516