

**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)

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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

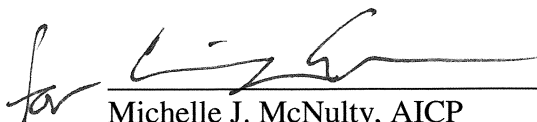
WHEREAS, the Watershed & Natural Resources Advisory Commission reviewed data analyses, mapping exercises, concepts and early drafts of this revised code section at several regular meetings in 2014, and reviewed a draft Stream Setback Ordinance at its July 29, 2015 regular meeting, and the final draft 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 26<sup>th</sup> day of September, 2018.

  
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Michelle J. McNulty, AICP  
Secretary

  
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Tamás Deák  
Chair