

MUNICIPALITY OF ANCHORAGE
WATERSHED & NATURAL RESOURCES ADVISORY COMMISSION
RESOLUTION NO. 2012-01

**A RESOLUTION SUPPORTING RETENTION OF THE 50-FOOT STREAM SETBACK
AS CONTAINED IN THE PROVISIONALLY ADOPTED TITLE 21 CODE.**

(WNRC Case No. 11-06)

WHEREAS, as recommended by *Anchorage 2020-Anchorage Bowl Comprehensive Plan*, the Municipality undertook a full diagnosis and revision to Title 21 as a means for *Anchorage 2020* implementation; and

WHEREAS, after multiple drafts and extensive public input, the Planning Department processed new Title 21 revisions that were provisionally adopted by the Assembly by 2010; and

WHEREAS, this revision process reflected extensive review and technical analysis of land use regulations from around the country and much of the draft was developed by experts in the field; and

WHEREAS, from the revision process, the provisionally adopted new code included a change for stream setback distances from 25 feet in the current Title 21 to 50 feet from all stream channels in the provisional code language; and

WHEREAS, during creation of the new code, research showed the national average stream setback distances typically ranged from 100-300 feet, that several Alaska jurisdictions require greater setbacks than the 25-foot setback in the original Anchorage Code, and that 25 feet provided minimal value or function to creek setbacks; and

WHEREAS, because of concerns with how this 50-foot setback expansion would impact private property, public infrastructure, and potential nonconformities, the Planning Department specifically evaluated these items, undertook a mapping exercise that analyzed potential impacts of various setback widths on properties, and found that such impacts were minimal and that potential nonconformities could be addressed in other areas of the new code; and

WHEREAS, as the Title 21 process continued towards final adoption, the Administration solicited a full review and analysis by a consultant, whose findings and recommendations were submitted for consideration in mid-2011; and as a result of those recommendations, the Administration forwarded a suite of amendments for consideration by the Planning and Zoning Commission and the Assembly, which modified items in the provisionally adopted Title 21; and

WHEREAS, one of those amendments included the recommendation for the stream setback to be reduced from 50 feet in the provisional code back to 25 feet as in current code; and

WHEREAS, Planning staff addressed technical aspects of this amendment, its comparisons to the new code setback of 50 feet, and concerns presented by the Administration's


consultant about complications and resultant nonconformities with a 50-foot setback as item #28 in an August 23, 2011 memo entitled "Title 21 - Major Issues in Review of Mr. Coffey's Proposed Amendments"; and

WHEREAS, as a municipal technical advisory commission with expertise in matters relative to watersheds, water quality and quantity, and related natural resources, the Watershed & Natural Resources Advisory Commission reviewed these issues at its December 2011 and January 2012 regular meetings.

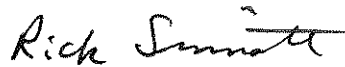
NOW, THEREFORE, BE IT RESOLVED that:

1. The Anchorage Watershed & Natural Resources Advisory Commission recognizes the value and significance of this full revision to Title 21.
2. The Commission understands that the provisionally adopted new code resulted from extensive public dialogue, professional and technical expertise, and municipal board, commission, and Assembly deliberations.
3. The Commission supports the August 23, 2011 staff findings and explanations relative to retaining the provisionally adopted code setback distance of 50 feet, which reflects a public dialogue and understanding that the benefits of this expansion outweigh the negatives, and that private property and nonconformity concerns have been adequately evaluated and addressed in the new code from the revision process.
4. The Commission recommends that the Municipality retain the provisionally adopted new setback distance of 50 feet in the final code.

PASSED AND APPROVED by the Anchorage Watershed & Natural Resources Advisory Commission on the 18th day of January 2012.



Jerry T. Weaver, Jr.
Secretary



for Tamás Deák
Chair