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These subsections compose Section 1 of Chapter 7. Planning staff anticipate dividing chapter 7 into four sections. Amendments to the other sections of Chapter 7 will be forthcoming.

CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

21.07.010 GENERAL PROVISIONS

A. Purpose

The development and design standards set forth in this chapter shall apply to the physical layout and design of development in the municipality. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community. The specific purposes of this chapter include:

1. To encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation and protection of open space and natural resources;
2. To protect public and private investment through preservation of open spaces, protection of natural resources including existing trees, providing buffers between incompatible uses and along roadways, and encouraging the planting of new trees and vegetation as deemed appropriate;
3. To promote sound management of water quality and quantity through preservation of natural areas and their **hydrological** functions and by encouraging soil management and the use of native plant materials;
4. **To provide a healthy, sustainable living and working environment by encouraging design and development that reduces energy use and costs; minimizes pollution; provides natural, cultural, and recreational amenities; and uses land and other resources efficiently and sustainably;**
5. To provide appropriate standards to ensure a high quality appearance for the municipality and promote good design while also allowing flexibility, individuality, creativity, and artistic expression;
6. To provide development and design standards that address and are tailored to the municipality's northern climate and winter city character;
7. To strengthen and protect the image, identity, and unique character of the municipality and thereby to enhance its business economy;
8. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of the surrounding area;
9. To encourage developments that relate to adjoining public streets, open spaces, and neighborhoods with building orientation and physical connections that contribute to the surrounding network of streets, walkways, and trails; and
10. To provide **multimodal [ROAD]** connectivity for the safe and efficient movement of people, goods, and services, **including roads, transit, and pedestrian facilities.**

B. Buildings to Have Access

Every building shall be on a lot abutting on a constructed public street with principal access to such street, or with access to a constructed private street approved by the fire department,

1 project management and engineering department, development services department, traffic
2 department, and planning department. This standard may be waived by approval of the
3 municipal engineer, traffic engineer, and the director.

4 **C. Addresses**

5 It is the responsibility of the property owner to affix street address numbers assigned by the
6 municipality to the affected building(s) or on another structure (natural or otherwise) nearer to the
7 street, to be plainly visible and legible from the street named in the address. Sub-addresses must
8 also be visible when approaching the building and on each applicable entrance.

9 **D. Alternative Equivalent Compliance**

10 **1. Purpose**

11 Alternative equivalent compliance is a procedure that allows development to meet the
12 intent of the design-related provisions of this chapter through an alternative design. It is
13 not a general waiver or weakening of regulations. Rather, the procedure permits a site-
14 specific plan that is equal to or better than the strict application of a design standard
15 specified in this title. This procedure is not intended as a substitute for a variance or
16 administrative modification or as a vehicle for relief from standards in this chapter.

17 **2. Applicability**

18 The alternative equivalent compliance procedure shall be available only for the following
19 sections of this chapter:

- 20 a. Section 21.07.060, *Transportation and Connectivity*;
- 21 b. Section 21.07.080, *Landscaping, Screening and Fencing*;
- 22 c. Section 21.07.090, *Off-Street Parking and Loading*;
- 23 d. Section 21.07.100, *Residential Design Standards*;
- 24 e. Section 21.07.110, *Public/Institutional and Commercial Design Standards*;
- 25 f. Section 21.07.120, *Large Commercial Establishments*; and
- 26 g. Section 21.07.130, *Exterior Lighting*.

27 **3. Pre-Application Conference Required**

28 An applicant proposing to use alternative equivalent compliance under this section shall
29 request and attend a pre-application conference prior to submitting the site plan for the
30 development, to determine the preliminary response from the director. Based on that
31 response, the site plan application shall include sufficient explanation and justification, in
32 both written and graphic form, for the alternative compliance requested.

33 **4. Decision-Making Responsibility**

34 Final approval of alternative equivalent compliance under this section shall be the
35 responsibility of the decision-making body responsible for deciding upon the application.
36 For example, proposed alternative equivalent compliance on a major site plan application
37 shall be considered and decided upon by the urban design commission. By-right projects
38 that would not ordinarily require review under this title, yet which are proposing
39 alternative equivalent compliance, shall receive written approval of the alternative
40 equivalent compliance from the director.

1 **5. Criteria**

2 To grant a request for alternative equivalent compliance, the decision-making body shall
3 find that **all of** the following criteria are met:

4 **a.** The proposed alternative design achieves the intent of the subject design
5 standard to the same or better degree than the subject standard.

6 **b.** The proposed alternative design achieves the goals and policies of the
7 comprehensive plan to the same or better degree than the subject standard.

8 **c.** The proposed alternative design results in benefits to the community that are
9 equivalent to or better than compliance with the subject design standard.

10 **6. Effect of Approval**

11 Alternative compliance shall apply only to the specific site for which it is requested and
12 does not establish a precedent for assured approval of other requests.

13 **21.07.020 NATURAL RESOURCE PROTECTION**

14 **A. Purpose**

15 The municipality contains many natural amenities, including stream corridors, natural drainages,
16 wildlife habitat areas, water bodies, **scenic features such as mountains and coastal areas,**
17 wetlands, and hillsides, as well as significant amounts of native forest, tree cover, and open
18 space, all of which contribute to the municipality's character, **public health,** quality of life, and
19 property values. The requirements of this section are intended to ensure that the natural
20 character of the municipality is reflected in patterns of development and redevelopment, and
21 significant natural features are incorporated into open space areas.

22 **B. Stream, Water Body, and Wetland Protection**

23 **1. Purpose**

24 The following requirements are intended to promote, preserve, and enhance the
25 important hydrologic, biological, ecological, aesthetic, recreational, and educational
26 functions provided by stream corridors, associated riparian areas, water bodies, and
27 wetlands, particularly by minimizing impervious surface and by reducing erosion and the
28 contamination of streams, wetlands, and water bodies by pollutants **or non-native**
29 **invasive plants.**

30 **2. Applicability**

31 This subsection 21.07.020B. shall apply to **[ALL]** new development, except for the
32 following development or activities:

33 **a.** Maintenance and repair of existing public roads, utilities, and other public
34 facilities within an existing right-of-way or easement, or otherwise within a
35 setback;

36 **b.** Flood prevention or rehabilitation work carried out by a government agency or
37 approved by a government agency;

38 **c.** Maintenance and repair of flood control structures and activities in response to a
39 flood emergency; and

- 1 d. Wetland, stream channel, and wildlife habitat restoration, construction, and/or
2 enhancement that improves or restores the wetland or stream corridor functions,
3 provided that the proposed activity is approved by the appropriate agency such
4 as the U.S. Corps of Engineers or the Alaska department of fish and game.

5 **3. Relationship to Other Regulations**

- 6 a. This subsection 21.07.020B. does not repeal or supersede any existing federal,
7 state, or local laws, easements, covenants, or deed restrictions. When this
8 subsection imposes a higher or more restrictive standard than found in another
9 applicable ordinance, statute, or regulation, this subsection shall apply.

- 10 b. No person shall engage in any activity that will disturb, remove, drain, fill, dredge,
11 clear, destroy, or alter any area, including vegetation, within a wetland that falls in
12 the jurisdiction of the federal government and its agencies, except as may be
13 expressly allowed under a permit issued by the appropriate federal agency.

- 14 c. For any development that requires a U.S. Corps of Engineers permit, the
15 applicant shall have completed the U.S. Corps of Engineers public notice period
16 before submitting a development application to the department. The decision-
17 making body shall not grant preliminary or final approval to any development or
18 activity, including subdivisions, in a wetland that falls within the federal
19 government's jurisdiction until all necessary federal approvals and permits have
20 been obtained.

21 **4. Buffer/Setback Requirements**

22 a. ***Streams Corridors***

- 23 i. In all zoning districts, buildings, accessory structures, and parking lots
24 shall be set back at least 50 feet horizontally from the ordinary high-
25 water mark on each side of stream corridors or, if not readily discernible,
26 from each side of the defined bank of the stream. Except as provided in
27 B.6. below, no disturbance is permitted in the 50-foot setback area.

- 28 ii. In all zoning districts, buildings, accessory structures, and parking lots
29 shall be set back at least 10 feet horizontally from the edge of each side
30 of drainageways and ephemeral channels [STREAMS] defined or
31 verified by watershed management services division staff. Except as
32 provided in B.6. below, no disturbance is permitted in the 10-foot setback
33 area. Municipal watershed management division staff may require a
34 greater setback, if in their professional judgment, the additional setback
35 is necessary to provide for groundwater discharge zones or infiltration
36 areas, the disturbance of which would alter natural flow characteristics.

- 37 iii. Segments of streams or tributaries that are contained underground in
38 pipes or culverts have no setback.

- 39 iv. For parcels where there are wetlands contiguous with a stream, setback
40 requirements are listed in table 2 of the *Anchorage Wetlands*
41 *Management Plan*.

42 b. ***Wetlands***

- 43 i. To the maximum extent feasible, class A and those class B wetlands
44 which, as a result of a U.S. Corps of Engineers decision or permit
45 condition, are not authorized for development, shall be platted into
46 separate tracts and not included as part of a development lot. Wetland

1 classes are defined and delineated in the *Anchorage Wetlands*
2 *Management Plan*.

- 3 ii. Except as provided in B.6. below, all buildings, accessory structures, fills
4 and other storage of materials, and parking lots shall be set back at least
5 15 feet horizontally from the delineated edge of all class A wetlands, and
6 all portions of class B and C wetlands not authorized for development; no
7 disturbance is permitted in the 15-foot setback area.

8 **c. Water Bodies**

9 In all districts, buildings, accessory structures, and parking lots shall be set back
10 at least 15 feet horizontally from the edge of water bodies. Within each lot, 50%
11 of the width of the setback area (measured between the lot lines that are
12 perpendicular to the water body) shall remain undisturbed, in one or two
13 contiguous areas. The other 50% may be cleared of vegetation to within two feet
14 of the ground, but the vegetative mat shall not be disturbed, except for **minimal**
15 **disturbance to allow for** access to those uses such as docks, boathouses, and
16 floatplane storage that require direct access to a water body by their very nature
17 or function.

18 **d. Credit for Other Requirements of this Title**

19 Stream corridor, water body, and wetland setback areas shall be credited toward
20 any applicable private open space requirements or landscaping requirements
21 only if such setback areas serve the purposes of those requirements as set forth
22 in this title.

23 **5. Boundary Delineation**

24 **a. Official Definitions and Standards**

- 25 i. In cases where stream channels or water bodies are not mapped and
26 recorded in official plans or other documents, delineation of such
27 features shall be made according to the watershed management
28 services division's procedures, and shall be subject to formal verification
29 by the watershed management services division.

- 30 ii. In cases where wetlands are not mapped and recorded in official plans
31 or other documents, including the *Anchorage Wetlands Management*
32 *Plan*, delineation of such features shall be performed using procedures
33 as described by the U.S. Corps of Engineers. Delineations shall be
34 subject to formal verification by the department and/or the U.S. Corps of
35 Engineers.

36 **b. Stream Corridor Boundaries**

37 Stream corridors shall be delineated at the ordinary high-water mark or, if not
38 readily discernible, the defined bank of the stream, as those terms are defined in
39 chapter 21.14. **In those instances where the defined bank of the stream is not**
40 **readily discernable, the watershed management services division shall establish**
41 **the effective ordinary high-water mark.** The watershed management services
42 division shall maintain the official record of all stream corridor boundaries.

43 **c. Wetland Boundaries**

44 **i. Mapped Wetlands**

45 Boundary delineation of wetlands shall be established by reference to
46 the *Anchorage Wetlands Management Plan*, which is available for
47 reference in the department and which is hereby adopted and

1 incorporated into this title by reference. Plats shall depict class A and B
2 wetland boundaries, and boundaries of class C wetlands that are not
3 authorized for development.

4 ii. *Unmapped Wetlands*

5 The review of a development proposal may discover a potential wetland
6 that has not been mapped or for which the boundaries have not been
7 clearly established. In such instances, the boundaries of the wetland
8 shall be delineated according to subsection 5.a.ii. above. Any new
9 wetland boundaries delineated herein shall be submitted to the U.S.
10 corps of engineers for approval.

11 6. **Development Standards**

12 a. **Permitted Activities, Uses, and Structures**

13 i. With the appropriate permits and in accordance with the conditions of
14 subsection 6.b. below, maintenance, including placement of riprap,
15 debris removal, glaciation control, sediment removal, protection of
16 adjacent or downstream property from flooding, soil stabilization, and
17 erosion control, may be performed within the stream and/or the setbacks
18 described in B.4. above.

19 ii. The following structures and uses of land or structures are permitted
20 generally perpendicular to the setback or stream edge [WITHIN THE
21 CLOSEST 35 FEET OF THE STREAM, AND] within the drainageway,
22 ephemeral channel [STREAM], wetland, and water body setback, where
23 it is necessary in order to cross or enter the feature:

24 (A) Roads, driveways, trails, and other transportation and public
25 recreation facilities;

26 (B) Utility facilities pursuant to 6.d[C]. below;

27 (C) Drainage facilities, in accordance with subsection 21.07.040 and
28 approved by the watershed management services division; AND

29 (D) TRAILS AND OTHER PUBLIC RECREATION FACILITIES].

30 iii. The following structures and uses of land or structures are permitted
31 parallel to the stream within the outer 15 feet of the setback:

32 (A) Trails and other public recreation facilities;

33 (B) Utility facilities pursuant to 6.d[C]. below;

34 (C) Drainage facilities, in accordance with subsection 21.07.040 and
35 approved by the watershed management services division; and

36 (D) Lawns, landscaping, play equipment, [STORAGE SHEDS ON
37 TEMPORARY FOUNDATIONS,] fences, pervious decks,
38 unpaved patios, and other similar features that are based on a
39 pervious surface.

1 **iv.** The commission may approve a trail location parallel to and closer to a
2 stream than allowed by 6.a.iii above, if:

3 **(A)** The trail is shown on the comprehensive plan; and

4 **(B)** No practicable alternative exists to meet a.iii above.

5 **v.** Redevelopment of structures or uses existing on effective date [OF
6 PASSAGE]] is allowed in the setback where:

7 **(A)** The director determines there is no practical or feasible
8 alternative to encroaching into the setback; and

9 **(B)** The redevelopment does not increase the encroachment over
10 the existing situation.

11 **vi.** On undeveloped platted lots existing before effective date [OF
12 PASSAGE]] where the director determines the setback precludes
13 practical or feasible development of the lot, the director shall approve a
14 site plan that allows but minimizes encroachment into the setback.

15 **vii.** All disturbed areas associated with permitted activities shall be
16 revegetated with landscaping similar to the natural vegetation of the
17 area. Revegetation shall occur during the same growing season as the
18 permitted activity, unless otherwise permitted by the director.

19 **viii.** Stream restoration projects, with appropriate state and federal permits
20 and in accordance with the conditions of 6.b. below, are allowed.

21 **b. *Conditions***

22 All work within a stream or stream setback, whether permitted by-right or allowed
23 through a specific approval process, shall meet the following conditions, along
24 with any other required permits:

25 **i.** Channel velocities and shear stresses shall not increase;

26 **ii.** Materials used or the removal of ground cover shall not create turbidity
27 or other water quality problems;

28 **iii.** There shall be no increase in flooding or erosion problems upstream or
29 downstream;

30 **iv.** If applicable, flow lines of the altered section of the stream shall match
31 those in the existing stream at the endpoints of the alteration;

32 **v.** If applicable, the gradient/meander balance, grade control, and bed
33 stability shall be adequate, in accordance with the judgment of
34 watershed management division staff; and

35 **vi.** If applicable, the alteration shall have no negative effect on fish habitat.

36 **c. *Prohibited Activities***

- 1 i. No person shall engage in any activity that will disturb, remove, fill, drain,
2 dredge, clear, destroy, or alter an area, including vegetation, within
3 stream corridors, water body edges, wetlands, or their associated
4 setback areas, except as may be expressly allowed in this section or
5 title.
- 6 ii. **Except for permitted restoration projects and culvertization for roadway
7 and driveway crossings, stream c[C]hannel alteration[, INCLUDING
8 CULVERTIZATION OTHER THAN FOR ROADWAY AND DRIVEWAY
9 CROSSINGS,]** is prohibited unless a variance is obtained under the
10 provisions of section 21.03.240, a flood hazard permit is obtained
11 pursuant to section 21.03.090, and relevant state and federal permits are
12 obtained. **Any variance request for stream channel alteration shall meet
13 the conditions of 6.b. above as well as the variance approval criteria of
14 21.03.240G.1. in order to be approved.** In emergency situations, the
15 application for the necessary approvals may be made no later than 24
16 hours after channel alteration has begun. For the purposes of this
17 standard, an "emergency" is a situation which would result in an
18 unacceptable hazard to life, a significant loss of property, or an
19 immediate, unforeseen, and significant economic hardship if corrective
20 action requiring a permit is not undertaken immediately.
- 21 iii. No storage or processing of hazardous materials or other substances
22 that would constitute a violation of AMC chapter 15.40 is permitted.
- 23 d. **Utilities**
24 Utilities, including potable water wells, may be allowed in a setback area only if
25 the decision-making body determines that there is no practical alternative. Any
26 disturbance of the setback area shall be reclaimed by regrading to original
27 contours and revegetation with native species. Provisions for reclamation of the
28 disturbed area shall be included in any development or improvements agreement
29 for the project, with adequate collateral to guarantee the reclamation will be
30 completed. Utility corridors in setback areas shall be located at the outside edge
31 of the area or if crossing the setback laterally shall disturb only the minimum area
32 necessary to install the utility. Access roads for maintenance of utilities shall be
33 located outside the setback area to the maximum extent feasible. Access for
34 maintenance of utilities in setback areas **shall [SHOULD]** be at specific points
35 rather than parallel to the utility corridor whenever possible.
- 36 e. **Recreation, Education, or Scientific Activities**
37 Structures and improvements for recreational, educational, or scientific activities
38 such as trails, swimming beaches, docks, fishing access, and wildlife
39 management and viewing may be permitted in a setback area by the appropriate
40 government agency.
- 41 7. **Preservation and Restoration of Vegetation**
42 All existing vegetation within the stream corridor, water body edge, or wetland setback
43 area shall be preserved and, where necessary to repair damaged riparian areas,
44 supplemented with additional native planting and landscaping. The removal of trees or
45 vegetation that the municipality finds to be a threat to the public health, safety, or welfare;
46 the removal of species identified as invasive by the **state of Alaska [DEPARTMENT OF
47 NATURAL RESOURCES];** or the removal of dead or naturally fallen trees or vegetation,
48 shall be exempt from this requirement.

1 **8. Implementation of Anchorage Wetlands Management Plan**

2 **a. Zoning and Platting Actions**

3 Zoning and platting actions taken under this title shall be consistent with the
4 *Anchorage Wetlands Management Plan* and the applicable standards described
5 below.

6 i. **“A” Wetlands**

7 Wetlands designated "A" in the *Anchorage Wetlands Management Plan*
8 and in table 2 of that plan shall be protected as indicated in that table
9 and in chapter 4 of the *Anchorage Wetlands Management Plan*.

10 ii. **“B” Wetlands**

11 New development plans in “B” wetlands shall obtain a U.S. Corps of
12 Engineers permit, concurrent with or prior to necessary approval by the
13 platting board and/or the planning and zoning commission. In order to
14 maximize protection of wetlands designated "B," in addition to the criteria
15 normally considered in subdivision, site plan, and conditional use
16 applications, the platting authority or the planning and zoning
17 commission shall, prior to approval, make explicit findings that, or the
18 applicant shall certify with their U.S. Corps of Engineers permit that:

19 **(A)** The proposed design and placement of roadways, utility lines,
20 and structures will not interfere with the natural drainage function
21 indicated in the required hydrologic studies or that such
22 interference can be adequately mitigated to maintain the natural
23 drainage function;

24 **(B)** The soils in the area proposed for development shall adequately
25 support roadways and structures, or that properly designed
26 roads and foundations will be provided; and

27 **(C)** Habitat areas identified in federal, state, or municipal documents
28 shall be adequately protected.

29 Maintenance of open space in its natural state shall be required where
30 the platting authority or the planning and zoning commission determines
31 that such open space is necessary to protect the hydrologic and habitat
32 values of wetlands on the property being developed or on adjacent
33 property. Areas where open space is to be preserved in its natural state
34 shall be indicated on the plat or approved site plan. The platting
35 authority and planning and zoning commission may require such land
36 development techniques and such additional conditions as may be
37 appropriate to carry out the intent of the *Anchorage Wetlands*
38 *Management Plan* and such other wetlands studies as may be relevant.

39 iii. **“C” Wetlands**

40 When approving plats or conditional use permits in wetlands designated
41 "C" under the plan, the platting authority or the planning and zoning
42 commission shall, whenever applicable [PRACTICABLE], include the
43 recommended construction mitigation techniques and conditions and
44 enforceable policies in table 2 of the *Anchorage Wetlands Management*
45 *Plan*.

1 **b. Application of Plan to Approved Projects**

2 Conditional uses and preliminary plats approved prior to March 12, 1996, the
3 date of adoption of the revised *Anchorage Wetlands Management Plan*, shall not
4 have additional conditions imposed upon them as a result of requirements of the
5 plan except as follows:

6 i. The "A" designation shall apply regardless of prior approvals.

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

11 iii. A new U.S. Corps of Engineers permit is required.

12 **C. Steep Slope Development**

13 **1. Purpose**

14 The purpose of this subsection 21.07.020C. is to establish standards that help achieve
15 the following objectives for development on steep slopes:

16 a. Prevent soil erosion and landslides;

17 b. Provide safe circulation of vehicular and pedestrian traffic to and within hillside
18 areas and to provide access for emergency vehicles necessary to serve the
19 hillside areas;

20 c. Encourage only minimal grading that relates to the natural contour of the land
21 and discourage mass grading of large pads and excessive terracing;

22 d. Encourage [APPROPRIATE] building types, grading design, lot sizes, site
23 design, density, arrangement, and spacing of buildings in developments in
24 sloped areas that integrate into the natural terrain with minimal re-contouring, in
25 accordance with adopted goals and policies;

26 e. Encourage innovative architectural, landscaping, circulation, and site design;

27 f. Encourage the protection of visually significant and/or prominent natural features,
28 such as ridgelines and rock outcroppings;

29 g. Incorporate drainage design that does not adversely impact neighboring or
30 nearby properties, downstream properties, receiving waters, and public
31 infrastructure; and

32 h. Encourage the retention of natural, indigenous vegetation that provides wildlife
33 habitat, helps retain runoff, and maintains the area's visual character.

34 **2. Applicability**

35 Any lot [THIS SUBSECTION 21.07.020C. SHALL APPLY TO ANY LOT WITHIN THE
36 MUNICIPALITY] that is 40,000 square feet or greater in area with an average slope of
37 20% or greater, or where adverse conditions associated with slope stability, erosion, or
38 sedimentation are present as determined by the municipal engineer, shall comply with
39 the standards of this subsection 21.07.020C. Lots being subdivided shall comply with
40 chapter 21.08, including subsection 21.08.030H., Subdivisions on Slopes, if applicable.

[EXCEPT THAT LOTS CREATED THROUGH THE CONSERVATION SUBDIVISION PROCESS IN ACCORDANCE WITH SECTION 21.08.070 ARE EXEMPT.]

3. **Standards**

Except as allowed in subsection C.4. below, all proposed development subject to this section shall comply with the following standards.

a. **Slopes Greater than 30 Percent**

That contiguous portion of any lot which is [ON ANY LOT WHERE A CONTIGUOUS AREA OF] 5,000 square feet or larger with slopes steeper than 30% [EXISTS, SUCH AREA] shall remain undisturbed, except as allowed in subsection C.4. below.

b. **Site Disturbance Envelope**

i. There shall be a site disturbance envelope on each applicable lot. Earth disturbance and vegetation clearing shall be limited to the site disturbance envelope. [EACH LOT SHALL HAVE A SITE DISTURBANCE ENVELOPE WHICH SHALL DEFINE THE LIMITS OF ALL EARTH DISTURBANCE AND VEGETATION CLEARING.]

Clearing, grubbing, or grading outside the site disturbance envelope is prohibited except to modify fuels in order to reduce fire risk, or to accommodate utility service connections.

ii. The size of the site disturbance envelope shall be as follows:

(A) Lots less than 40,000 square feet: 50 percent of the lot area maximum.

(B) Lots 40,000 square feet [UP] to two acres in area: 20,000 square feet maximum.

(C) Lots over two acres but less than five acres: 30,000 square feet maximum.

(D) Lots five acres or greater: 40,000 square feet maximum.

iii. Areas outside the site disturbance envelope shall not be used for stockpiling materials or excess fill, construction vehicle access, storage of vehicles during construction, or similar uses. Temporary construction fencing shall be installed around the perimeter of the site disturbance envelope, to be removed after the final certificate of zoning compliance is issued.

iv. The front setback of the lot may be reduced to 10 feet.

c. **Cutting, Grading, and Filling**

i. Cutting and grading to create benches or pads for buildings or structures shall be limited to within the site disturbance envelope.

ii. Cut and fill slopes shall be entirely contained within the site disturbance envelope. The toe of any fill slope not utilizing an engineered retaining structure, and any engineered retaining structure shall be a minimum of 15 feet from any property line, except for the property line abutting the

1 street from which driveway access is taken [AS ASSOCIATED WITH A
2 DRIVEWAY].

- 3 iii. Cut and fill slopes shall be designed to provide a natural transition into
4 the existing terrain by feathering and rounding.

5 **d. *Raising or Lowering of Natural Grade***

6 The original, natural grade of a lot shall not be raised or lowered more than four
7 feet at any point for construction of any structure or improvement, except:

- 8 i. The site's original grade may be raised or lowered a maximum of six feet
9 if retaining walls are used to reduce the steepness of constructed slopes,
10 provided that the retaining walls comply with the requirements set forth in
11 this subsection.

- 12 ii. As necessary to construct a driveway from the street to a garage or
13 parking area, grade changes or retaining walls up to six feet may be
14 allowed.

- 15 iii. For the purposes of this subsection 21.07.020C.3.d., basements and
16 buildings set into a slope are not considered to lower the natural grade
17 within their footprint.

18 **e. *Retaining Walls***

19 Retaining walls may be used to maximize the usable area on a lot within the site
20 disturbance envelope. Generally, a retaining wall shall be no higher than four
21 feet, except that a wall varied in height to accommodate a variable slope shall
22 have an average height no greater than four feet and a maximum height no
23 greater than eight feet in any 100-foot length. Parallel retaining walls may be
24 used to overcome steep slopes, provided the following standards are met:

- 25 i. The minimum distance between walls shall be six feet;

- 26 ii. The maximum allowable slope between walls shall be 3H:1V; and

- 27 iii. The area between the walls shall be landscaped with trees, shrubs, or
28 both at a rate of 0.5 landscape units per linear foot measured along the
29 length of the lower retaining wall.

30 A higher wall is permitted:

- 31 i. Where used internally at the split between one- and two-story portions of
32 a building; and

- 33 ii. Where substantially hidden from public view at the rear of a building,
34 where it may not exceed the eave height of the building.

35 **f. *Natural Drainage Patterns***

- 36 i. Site design shall not change natural drainage patterns, except as
37 provided below.

- 38 ii. All [FINAL] grading and drainage shall comply with section 21.07.040,
39 title 23, the *Design Criteria Manual* (current approved edition), and the

1 municipality's Storm Water Treatment Plan Review Guidance Manual
2 [EROSION-SEDIMENT CONTROL HANDBOOK].

3 iii. Except where otherwise provided in this section [TO THE MAXIMUM
4 EXTENT FEASIBLE], development shall preserve the natural surface
5 drainage pattern unique to each site as a result of topography and
6 vegetation. Grading shall ensure that drainage flows away from all
7 structures[, ESPECIALLY STRUCTURES THAT ARE CUT INTO
8 HILLSIDES]. Natural on-site drainage patterns may be modified on site
9 only if the applicant shows that there will be no significant adverse
10 environmental impacts on site or on adjacent properties. If natural
11 drainage patterns are modified, appropriate stabilization techniques shall
12 be employed.

13 iv. Development shall not adversely impact adjacent and surrounding
14 drainage patterns.

15 g. **Ground Cover and Revegetation**

16 Ground cover and vegetation shall be maintained to control erosion and
17 sedimentation. All areas that are denuded for any purpose shall be revegetated
18 or the soils stabilized to prevent erosion and sedimentation prior to November 1
19 of the year of construction. No excavation shall be permitted after November 1
20 or before May 1 except under emergency conditions, as determined by the
21 building official.

22 h. **Building Design Standards**

23 The purpose of the building design standards is to minimize site disturbance,
24 avoid extreme grading required by large building pads on steep slopes, and
25 reduce the risk of damage from natural hazards.

26 i. All buildings and structures shall have a foundation which has been
27 designed by a professional engineer, architect, or other qualified
28 professional.

29 ii. At any given point, the height of the structure shall not exceed 25 feet
30 above the original (natural) grade.

31 [PIERS OR PILINGS USED TO SUPPORT ANY PART OF A STRUCTURE
32 SHALL BE COVERED.]

33 4. **Slopes Greater Than 30 Percent**

34 a. **Purpose**

35 The requirements of this section are intended to allow consideration of
36 development on slopes up to 50%. In order to assure the safety and stability of
37 such development and to reduce offsite [DOWNSTREAM] impacts, additional
38 submittals are required as described in this subsection. Nothing in this
39 subsection guarantees approval to disturb slopes greater than 30%.

40 b. **Applicability**

41 If the site disturbance envelope as defined in C.3.b. above contains slopes over
42 30%, the standards of this section shall apply.

43 c. **Slopes Greater Than 50 Percent**

1 **All [ONE HUNDRED PERCENT OF AREAS WITH]** slopes greater than 50%
2 shall remain undisturbed.

3 **d. Administrative Site Plan Review Required**

4 Development on slopes greater than 30% but not exceeding 50% requires an
5 administrative site plan review. In addition to the site plan approval criteria set
6 forth in subsection 21.03.180E., the approval criteria in subsection 4.g. below
7 shall apply.

8 **e. Additional Submittal Requirements**

9 In addition to the submittal requirements for an administrative site plan review,
10 the following information is required:

11 i. A geotechnical **[AND]** engineering report, **stamped by an engineer**
12 **licensed in the state of Alaska,** to include the following:

13 **(A)** Nature, distribution, strength, **and stability[, AND PH]** of soils;
14 conclusions and recommendations for grading procedures;
15 recommendations for frequency of soil compaction testing,
16 design criteria for corrective measures; and opinions and
17 recommendations covering the adequacy of **the site[S]** to be
18 developed.

19 **(B)** Slope stability analysis: conclusions and recommendations
20 concerning the effects on slope stability of **excavation and fill**
21 **[MATERIAL REMOVAL],** introduction of water (both on and
22 offsite), seismic activity, and erosion.

23 **(C)** Foundation investigation: conclusions and recommendations
24 concerning the effects of soil conditions on foundation and
25 structural stability, including permeability, bearing capacity, **and**
26 shear strength**[, AND SHRINK/SWELL POTENTIAL]** of soils.

27 **(D)** Specific recommendations for cut and fill slope stability, seepage
28 and drainage control, or other design criteria to mitigate geologic
29 hazards, slope failure, and soil erosion.

30 **(E)** Depth to groundwater **in the wettest seasonal conditions,** and to
31 bedrock.

32 **(F)** Complete description of the geology of the site, **[INCLUDING**
33 **SITE GEOLOGIC MAPS,]** a complete description of bedrock and
34 subsurface conditions and materials, including artificial fill, soil
35 depth, avalanche and mass wasting hazard areas, fractures, or
36 other significant features.

37 **(G)** A summary of field exploration methods and tests on which the
38 report is based, such as probings, core drillings, borehole
39 photography, or test pits. **Field data shall be from within the**
40 **previous 10 years. Watershed management division staff shall**
41 **confirm that the analysis methods are a reliable gauge of the site**
42 **conditions and the potential impacts.**

43 ii. A site development plan showing the following:

44 **(A)** Site disturbance envelope as set forth in C.3.b. above.

- 1 (B) Location of all driveways, and utility lines and installations.
- 2 (C) Location of all structures.
- 3 (D) Elevation drawings of all structures.
- 4 iii. Grading and drainage plans that provide the following:
- 5 (A) Topographic survey of existing conditions depicting at a
- 6 minimum two foot contour intervals on a legible site map of one
- 7 inch equaling 50 feet, or better.
- 8 (B) Proposed grading plan indicating limits of disturbed area,
- 9 finished grade at minimum two foot contour intervals, proposed
- 10 elevations of improvements, driveway grading at minimum 10
- 11 foot intervals measured on centerline, delineation of cut and fill
- 12 areas, constructed slopes, proposed drainage features, and
- 13 related construction.
- 14 (C) Drainage plans showing approximate locations for all surface
- 15 and subsurface drainage devices, retaining walls, dams,
- 16 sediment basins, storage reservoirs, and other protective
- 17 devices to be constructed with, or as part of, the proposed work,
- 18 together with a map showing drainage area, how roof **and other**
- 19 **impervious surface** drainage will be disposed, the complete
- 20 drainage network, including outfall lines and natural drainage
- 21 ways which may be affected by the proposed development, and
- 22 the estimated **volume and rate of** runoff of the area served by the
- 23 drains.
- 24 (D) A plan for erosion control and other specific control practices to
- 25 be employed on the disturbed area where necessary.
- 26 iv. A revegetation plan that shows:
- 27 (A) The type, size, location, and grade of vegetation that will be used
- 28 to complete the development plan and restore areas disturbed
- 29 during construction, on a scaled plan of one inch equaling 30
- 30 feet, or better.
- 31 (B) Slope stabilization measures to be installed.
- 32 f. **Standards**
- 33 The **[STANDARDS OF THE]** following subsections apply to development under
- 34 this subsection C.4.:
- 35 i. 21.07.020C.3.b., *Site Disturbance Envelope*;
- 36 ii. 21.07.020C.3.c., *Cutting, Grading, and Filling*;
- 37 iii. 21.07.020C.3.f., *Natural Drainage Patterns*;
- 38 iv. 21.07.020C.3.g., *Ground Cover and Revegetation*; and
- 39 v. 21.07.020C.3.h., *Building Design Standards*.

1 **g. Approval Criteria**

2 i. The proposed development minimizes disruption of the natural
3 topography and protects natural features on the site in their natural state
4 to the greatest degree possible.

5 ii. The principal and accessory structures have been sited in such a
6 manner as to protect natural features of the site, minimize grading,
7 preserve the appearance of scenic vistas, and minimize the risk of
8 property damage and personal injury from natural hazards.

9 iii. The design of the structures includes massing, roof lines, exterior
10 materials and colors, and decking that complements the terrain and
11 complies with the building design standards set forth in paragraph C.3.i.
12 above.

13 iv. Proposed landscaping preserves the natural character of the area while
14 minimizing erosion and fire hazard risks to persons and property.

15 [THE PROJECT PROTECTS THE PUBLIC HEALTH, SAFETY, AND GENERAL
16 WELFARE OF PERSONS RESIDING IN AND AROUND THE AREA, AS WELL
17 AS THE COMMUNITY AT LARGE.]

18 v. The drainage design of the development will have no adverse impact on
19 neighboring or nearby properties.

20 vi. Areas not well suited for development due to soil stability characteristics
21 [(SOLIFLUCTION, MASS MOVEMENT)], geology, hydrology limitations,
22 or wastewater disposal, have been avoided.

23 **D. Wildlife Management Corridors [CONFLICT PREVENTION AREAS]**

24 **1. Intent**

25 The purpose of this section is to reduce wildlife-human conflicts by managing certain
26 linear stream corridors to minimize adverse human-wildlife interactions and to facilitie
27 more safely the movement of wildlife in those corridors identified in this section.

28 **2. Applicability**

29 This subsection shall apply within 200 feet on either side of the ordinary high water of the
30 following streams: Eklutna River (downstream from the Old Glenn Highway),
31 Thunderbird Creek, Peters Creek and its tributaries, Fire Creek (downstream from the
32 Glenn Highway), Eagle River, South Fork of Eagle River (below the falls), Ship Creek
33 (upstream from Reeve Blvd.), Campbell Creek (upstream from Lake Otis Parkway), North
34 Fork of Little Campbell Creek (upstream from Elmore Road), Rabbit Creek, Little Rabbit
35 Creek, Indian Creek, Bird Creek, [AND] Portage Creek, Little Survival Creek, and Potter
36 Creek; as well as 200 feet from the boundaries of Klatt Bog and Far North Bicentennial
37 Park.

38 **3. Standards**

39 Within the area identified in subsection D.2[1]. above, the following mandatory standards
40 shall apply:

41 a. No new landfills, transfer stations, schools, or campgrounds are allowed.

- 1 **b.** All outdoor trash receptacles [ANY COMMERCIAL, INSTITUTIONAL, OR
2 INDUSTRIAL DEVELOPMENT] shall be [STORE EDIBLE GARBAGE IN] bear-
3 proof [CONTAINERS], and food shall not be stored [FOOD] outside.
- 4 **c.** Roads and driveways are allowed only if there is no feasible and prudent
5 alternative.
- 6 **d.** Stream crossings, either by roads, driveways, or trails, shall be designed to
7 facilitate wildlife passage along the stream, and minimize wildlife-human
8 conflicts.

9 **4. Discretionary Approvals [GUIDELINES]**

- 10 **a.** Within the area identified in subsection D.2[1]. above, the following shall be
11 considered by decision-making bodies during any discretionary approval
12 [VOLUNTARY GUIDELINES APPLY]:

13 **i.** Location of new buildings, trails, and fences. [FENCES ARE
14 DISCOURAGED.]

15 **ii.** Long-term retention of natural vegetation and terrain in a landscape
16 pattern that provides cover for wildlife movement and directs that
17 movement through the area, away from centers of human activity. [NEW
18 BUILDINGS ARE ENCOURAGED TO BE SITED OUTSIDE THESE
19 AREAS.]

20 [TRAILS SHOULD BE SITED OUTSIDE THESE AREAS, AND/OR WITH
21 DIRECT CONSULTATION WITH THE STATE DEPARTMENT OF FISH AND
22 GAME.]

23 ALL OUTDOOR TRASH RECEPTACLES SHOULD BE BEAR-PROOF.

24 BIRD FEEDERS SHOULD BE EMPTY BETWEEN APRIL 15 AND OCTOBER
25 15.]

26 FOOD, INCLUDING PET FOOD AND BIRD SEED, SHOULD BE STORED
27 INDOORS AND/OR IN BEAR-PROOF CONTAINERS.]

28 BEE HIVES, VEGETABLE GARDENS, FRUIT TREES AND BERRY BUSHES,
29 AND COMPOSTING IS DISCOURAGED IN THIS AREA.]

30 PET RUNS AND LIVESTOCK SHOULD NOT BE KEPT IN THIS AREA.]

- 31 **b.** All applicable discretionary approvals under this section shall be referred to the
32 Alaska department of fish and game, wildlife division, for their review, comments,
33 and recommendations, which shall be considered by the decision-making body.

21.07.030 PRIVATE OPEN SPACE

A. Purpose

1. In residential development, private open space is intended to provide residents with opportunities for active and passive outdoor recreation, relaxation, and enjoyment. Open space enhances the quality and livability of new development and can preserve vegetation, access to light and air, and scenic views.
2. In nonresidential development, private open space is intended to contribute to the walkability and general quality of the public realm, and to provide employees and customers with space for active or passive recreation and relaxation.

B. Applicability and Open Space Requirement

Development shall be required to set aside private open space according to the following minimum requirements. Single-family, two-family, and townhouse residential uses are exempt. For the purposes of this section, gross floor area shall not include floor area devoted to parking or loading, or indoor private open space that meets the standards of C.4. below.

1. R-2M and R-2F districts: 400 square feet of private open space per dwelling unit, or five percent of the gross floor area of nonresidential development.
2. R-3 district: 300 square feet of private open space per dwelling unit. At least half of the private open space shall be shared in common among the units. Nonresidential development shall provide five percent of the gross floor area for open space.
3. R-4 and R-4A districts: For a multifamily use with townhouse-style construction, 225 square feet of private open space per dwelling unit, to be provided for the exclusive use of each dwelling unit per C.2. below; for non-townhouse-style multifamily uses, 100 square feet of private open space per dwelling unit, and at[. AT] least half of the private open space shall be shared in common among the units. Nonresidential development shall provide five percent of the gross floor area for open space.
4. B-1A, B-3, RO, NMU, CMU, RMU, and MT districts, and nonresidential development in residential districts: Private open space equal to five percent of the gross floor area of the nonresidential portion of the development shall be provided. Where dwelling units are part of the development, an additional 100 [60] square feet of private open space per dwelling unit shall be provided. Private open space required by nonresidential development and private open space required by residential development shall not be combined on a site.
5. DT districts: [to be determined through Downtown Plan and regulations process]

C. Standards

1. **Areas Not Credited**
Lands within the following areas shall not be counted towards required private open space areas:
 - a. Setbacks with slopes over 10 percent[%];
 - b. Drainage easements, [AND] ditches, swales, and other areas intended to collect and channel water;

- c. Required landscaping;
- d. Public or private streets or rights of way;
- e. Parking facilities, driveways, other motor vehicle circulation areas, loading areas, and refuse collection areas [OPEN PARKING AREAS AND DRIVEWAYS FOR DWELLINGS]; and
- f. Land covered by structures not intended solely for recreational uses.

2. Use of Private Open Space Areas

Required private open space may be private yard, garden, patio, deck, balcony, or other open space reserved for the exclusive use of a single dwelling unit. It shall be designed for the occupants of a specific dwelling, and provided immediately adjacent to, and with direct access from the dwelling. The minimum inside dimension for such an area used to meet the private open space requirement shall be no less than 15 feet for ground level spaces such as yards, or six feet for above ground level spaces such as balconies. Individual private open space for the exclusive use of each dwelling unit shall have a slope of less than five percent.

3. Physical Delineation

A fence, hedge, earth berm, railings on decks, and/or other continuous linear landscaping features shall define and separate ground-level private open space from abutting street rights-of-way. Such features may be incorporated as part of required perimeter landscaping. Private open space shall be separated from refuse collection areas by L2 visual enhancement landscaping.

4. Common Private Open Space

Private open space areas to be used in common by residents and/or associated with nonresidential uses or mixed uses are intended to be usable spaces that incorporate user amenities facilitating passive or active recreation and relaxation. [EITHER GREEN SPACE, SUCH AS LAWN OR NATURAL VEGETATION, OR DEVELOPED FOR PEDESTRIAN USES, SUCH AS PATIOS, COURTYARDS, OR ACTIVE RECREATION AREAS.] These areas shall meet the following standards:

- a. At least half of the common private open space shall be contiguous.
- b. Common private open space shall be conveniently accessible to residents or users of the development. The nearest building façade to the open space, any façade sharing a corner with the nearest building façade, or any façade directly facing the open space, shall have a primary entrance. A walkway shall connect common private open space to primary building entrances.
- c. The minimum inside dimension for an area used to meet the requirement shall be 20[15] feet.
- d. Common private open space may include lawn areas; picnic areas; gardens; natural vegetation; equipped recreation areas; sports courts; hard surfaced pedestrian spaces such as patios, decks, courtyards, housing courtyards, or plazas; indoor private open space pursuant to C.5. below; and/or roof tops or terraces. [THE COMMON PRIVATE OPEN SPACE SHALL BE EITHER NATURAL VEGETATION, LANDSCAPED VEGETATION (SUCH AS LAWN OR GARDEN), A PLAZA OR COURTYARD MEETING THE REQUIREMENTS OF

SUBSECTION F.5. BELOW, INDOOR PRIVATE OPEN SPACE PURSUANT TO C.4. BELOW, OR SOME COMBINATION OF THE FOUR.]

- e. Up to 25 percent of the total required open space area may be developed for active recreation, such as with play equipment or delineated sports field.

5. Indoor Private Open Space Option

Up to 25 percent of the total required private open space may be indoors, which shall be exempt from gross floor area calculations. Such space:

- a. Shall be located and designed to maximize sunlight access, with the majority of its roof or wall area to be transparent to the sky and outdoor views; [, AND]

- b. Shall be climate controlled and furnished with features and amenities that encourage its use;

- c. Shall be accessible to all residents of the development at all times; and

- d. Shall not be combined with some other function, such as laundry or storage.

6. Incentive for High Quality Spaces

The total open space area requirement may be reduced by 10 percent if the largest common open space area meets all the other requirements of this section and the following standards:

- a. Has less than five percent slope;

- b. Is well-drained and not wetlands;

- c. Has a minimum inside dimension of 25 [20] feet;

- d. Receives sunlight access on the majority of the open space for at least four hours per day between the spring and fall equinox; and

- e. In mixed-use districts, is visible from or directly abuts a primary entrance area.

7. Ownership

All private open space areas not reserved for the exclusive use of a single dwelling unit shall be owned jointly or in common by the owners of the development or permanently preserved through some other mechanism satisfactory to the director. While private open space may be platted into separate tracts, those tracts which provide required private open space shall not be sold separately from the development.

8. Fee In Lieu Prohibited

The payment of fees in lieu of the set-aside of land for private common open space is prohibited.

21.07.040 DRAINAGE, STORM WATER TREATMENT, EROSION CONTROL, AND PROHIBITED DISCHARGES

A. Purpose

1. Drainage plans and the requirements of this section and the *Design Criteria Manual* are intended to implement the following principles of drainage planning:

- 1 a. The design of a drainage system shall not transfer a problem from one location to
2 another.
- 3 b. Adequate space shall be provided for drainage conveyance and storage.
- 4 c. Good drainage design incorporates the effectiveness of the natural systems,
5 rather than negating, replacing, redirecting, or ignoring them. The features,
6 capacity, and function of the existing natural system shall be considered and
7 utilized.
- 8 d. Drainage and storm water management facilities shall be designed with ease of
9 maintenance, long-term function, **sub**-arctic climate function, protection of public
10 safety, and accessibility as primary considerations.
- 11 2. Other **primary** purposes of this section include:
- 12 a. Regulating development preparation and land-disturbing activity in order to
13 control erosion and sedimentation and accordingly to prevent water pollution
14 from sedimentation, to prevent accelerated erosion and sedimentation of lakes
15 and natural watercourses; and to prevent damage to public and private property
16 by erosion and/or sedimentation during and after construction;
- 17 b. Regulating storm water discharge to improve the quality of the environment for
18 residents of the municipality, administer the Municipal Separate Storm Sewer
19 permit, and manage impacts to the watersheds in the municipality; and
- 20 c. Minimizing point and non-point source pollution into the water bodies of the
21 municipality.
- 22 **B. Relationship to Chapter 21.12, Nonconformities**
- 23 No nonconforming rights are granted for this section 21.07.040.
- 24 **C. Guidance Documents**
- 25 The municipal engineer shall develop, implement, and maintain various guidance manuals which
26 shall provide standards and guidelines for this section 21.07.040. The *Design Criteria Manual*
27 and the *Storm Water Treatment Plan Review Guidance Manual* are examples of such manuals,
28 **AND ARE ADOPTED HEREIN BY REFERENCE**.
- 29 **D. Drainage**
- 30 1. **Intent**
31 A drainage plan shall show the post-development drainage patterns of the site.
- 32 2. **Applicability**
33 This section applies to all development within the municipality.
- 34 3. **Drainage Plan Required**
- 35 a. Applications for the following entitlements shall include a drainage plan:
- 36 i. A permit from the development services department;
- 37 ii. Subdivision plat (both preliminary and abbreviated plats);

- 1 iii. Site plan review (administrative and major); and
- 2 iv. Conditional use.
- 3 The drainage plan submittal requirement may be waived by the director and the
- 4 municipal engineer if both agree that such a plan is not necessary.
- 5 b. The drainage plan shall show the area affected by the application, as well as
- 6 watercourses, drainage and water quality easements, appropriate drainage
- 7 outfall for surface water, roof drainage, and other impervious surfaces, and any
- 8 other pertinent information, and shall address surface and subsurface drainage.
- 9 The drainage plan shall also indicate impacts, if any, on adjacent, up-gradient,
- 10 and down-gradient properties.
- 11 c. An approved drainage plan is required before any site work commences.
- 12 **4. Standards**
- 13 Drainage plans shall comply with the requirements of municipal code and the Design
- 14 Criteria Manual. Post-development drainage plans shall be designed in a manner such
- 15 that there will be no adverse or off-site [CUMULATIVE] impacts [ON ADJACENT, UP-
- 16 GRADIENT, OR DOWN-GRADIENT PROPERTIES]. Any net increase of water volumes
- 17 must be mitigated and/or directed to an adjacent drainage system or receiving water that
- 18 has the demonstrated capability to handle the new flows. The municipality may require a
- 19 dedicated drainage easement(s) to ensure the drainage is consistent and compatible with
- 20 surrounding drainage patterns.
- 21 **5. When No Permit is Required**
- 22 a. In situations where a building or land use permit is not required, all design and
- 23 construction activities shall comply with municipal code, the *Municipality of*
- 24 *Anchorage Standard Specifications* and the *Design Criteria Manual*.
- 25 b. If the municipal engineer reasonably believes that a project is significant in nature
- 26 or that [THE MUNICIPAL ENGINEER REASONABLY BELIEVES] it will have
- 27 negative impacts on surrounding property, water quality, drainage, or the
- 28 roadways, the municipal engineer may require submittal of a drainage plan and a
- 29 full review of the project. The applicant shall pay the appropriate review fees for
- 30 the review.
- 31 [C.] If the [A] project is under construction, the municipal engineer may issue a stop
- 32 work order until the project has been reviewed and approved.
- 33 c. If a project has been completed and there are negative impacts on surrounding
- 34 property, water quality, drainage, or the roadways, the municipal engineer may
- 35 pursue enforcement actions under chapter 21.13.

1 **6. Exposure of Subsurface Flows**
2 If, during site work, unexpected subsurface flows are exposed, site work in the affected
3 area shall immediately stop. The developer shall amend the drainage plan to address
4 the exposed flows **and potential for glaciation** and shall submit it to the municipality **and**
5 **receive [FOR] approval before resuming site work.**

6 **E. Storm Water Treatment and Erosion and Sediment Control**

7 **1. Intent**
8 A storm water treatment plan shall show both the controls put in place during construction
9 and any needed post-development controls to prevent erosion and protect water quality.

10 **2. Applicability**
11 No land, water body, watercourse, wetland, structure, or operation within the municipality
12 and regulated by this code shall be operated, altered, repaired, improved, converted, or
13 modified unless a storm water treatment plan has been approved. Storm water treatment
14 plan approval is required prior to commencement of land clearing or ground disturbing
15 activities; the discharge of surface water (including from snow disposal sites); the
16 construction, alteration, installation, modification, or operation of a storm water treatment
17 or disposal system; demolition or utility work; connection to the Municipal Separate Storm
18 Sewer System; work in waterways or watercourses; or dewatering activities, except as
19 listed in E.3. below. All construction, development, and maintenance activities shall be in
20 accordance with the approved storm water treatment plan.

21 **3. Exceptions**
22 A storm water treatment plan shall not be required for the following, except as noted in
23 F.2. below. An erosion control plan may still be required if the discharge is so
24 concentrated as to cause soil disturbance.

- 25 **a.** Building improvements where no earth is disturbed;
- 26 **b.** Any earth disturbance that is both less than 500 square feet in area and less than
27 four feet in depth;
- 28 **c.** Discharges of the following
 - 29 **i.** Uncontaminated water line flushing;
 - 30 **ii.** Residential irrigation water;
 - 31 **iii.** Rising ground waters;
 - 32 **iv.** Uncontaminated ground water infiltration;
 - 33 **v.** Uncontaminated discharges from potable water sources;
 - 34 **vi.** Foundation drains;
 - 35 **vii.** Air conditioning condensate;
 - 36 **viii.** Springs;
 - 37 **ix.** Uncontaminated water from crawl space pumps;

- x. Individual residential car washing;
- xi. Flows from riparian habitats and wetlands;
- xii. De-chlorinated swimming pool discharges;
- xiii. Street wash waters; or
- xiv. Flows from emergency fire fighting activity.

4. **Submittal Requirements and Review Procedure**

Storm water treatment plans shall be submitted to the project management and engineering department on the form provided. The submittal shall include plans for both temporary (during construction) and permanent storm water treatment and erosion control, and any supplementary information required in the user's guide or the *Design Criteria Manual*.

a. ***Storm Water Treatment Plan Review Guidance Manual***

The *Storm Water Treatment Plan Review Guidance Manual* shall be used to develop, review, and approve storm water treatment plans. Applicants submitting plans under this subsection shall comply with the manual regarding plan requirements and reviews, and if necessary shall gather data to confirm storm water conditions.

b. ***Changes to an Approved Storm Water Treatment Plan***

Any changes to an approved storm water treatment plan, including additions or changes to best management practices necessary to maintain effective storm water treatment, require approval by the municipal engineer.

c. ***New Application Required***

If dewatering, land clearing, construction, alteration, installation, modification, or operation has not begun within one year after issuance of a storm water treatment plan approval, the approval is void, and a new application shall be submitted to the project management and engineering department for review and approval.

d. ***Project-Wide Approval***

The municipal engineer may issue a project-wide approval to an applicant who plans to conduct an operation with the same runoff characteristics at various discharge locations. He or she may require the submittal of site-specific plans, including a schedule and description of all planned discharge activities, for approval, and may restrict that approval to certain proposed discharge activities.

e. ***Emergency Repairs***

Where site repairs must be performed in an emergency, the storm water treatment plan or changes to an approved storm water treatment plan shall be submitted within the next business day to the project management and engineering department. For the purposes of this section, an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken immediately.

1 **5. Land Clearing**

2 Mechanized land clearing requires an approved storm water treatment plan. A temporary
3 native vegetation buffer shall be retained on the perimeter of the lot being cleared, equal
4 to or greater than the specified minimum setback required in the zoning district. This
5 buffer shall be at least 15 feet wide on the perimeter of lots in commercial and industrial
6 zoning districts, except where these are adjacent to PLI and/or residential zoning
7 districts, where the temporary buffer shall be a minimum of 30 feet wide. Those **areas**
8 **[BUFFERS]** of **[TEMPORARY]** native vegetation in commercial and industrial zoning
9 districts not essential to the parcel's development **and situated on the perimeter of the**
10 **site** shall be retained and protected from disturbance **as specified in subsection**
11 **21.07.080G.3.**

12 **6. Licensed Contractor**

13 Work for which a storm water treatment plan approval is required shall be performed only
14 by:

- 15 **a.** A contractor licensed to do that work; or
- 16 **b.** The owner of the single- or two-family dwelling for which the work is being done,
17 if the owner demonstrates to the satisfaction of the development services
18 department that he or she can perform the work in a safe manner.

19 **7. Erosion and Sediment Control Administrator (ESCA)**

20 A qualified erosion and sediment control administrator, who shall be responsible for the
21 erosion, sedimentation, and best management practices during construction, shall be
22 identified in each storm water treatment plan submitted for approval, except for storm
23 water treatment plans for owner-built single- and two-family dwellings. Evidence of
24 contractual liability shall be provided when requested.

- 25 **a.** In order to qualify to be an ESCA, a person shall take a training course approved
26 by the municipal watershed management services division. At the end of the
27 training, a test will be administered, and applicants must successfully complete
28 the examination in order to be considered for certification.
- 29 **b.** A certification shall remain in effect until its expiries, unless revoked. Before the
30 expiration of a certification, it may be renewed by paying a renewal fee. ESCAs
31 who have not renewed their certification by 30 days after the expiration date shall
32 be required to re-take the test required for all new applicants.
- 33 **c.** The municipal engineer may revoke any certificate if the certified person later
34 shows incompetence or lack of knowledge in matters relevant to the certificate,
35 or if the certificate was obtained by fraud. The following actions shall serve as
36 evidence of incompetence: If during any 12 month period an ESCA (1) fails on
37 three different occasions to correct any deficiencies noted in a written inspection
38 report by a municipal inspector within the prescribed time; or (2) allows an illicit
39 discharge on two separate occasions. If a certificate is revoked, another
40 certificate shall not be issued to the same person within 12 months after the date
41 of revocation.
- 42 **d.** ESCA certificates are not transferable from one person to another, and the
43 lending of any certification or the obtaining of permits there under for any other
44 person shall be deemed cause for revocation.

- 1 e. The municipal engineer may require retesting of any certificate holder if such
2 person shows incompetence or lack of knowledge in matters relevant to the
3 certificate. Failure to pass the re-testing shall result in the revocation of the
4 certificate.
- 5 **8. Alternate Materials, Design, and Method of Construction**
- 6 a. The provisions of this section are not intended to prevent the use of any alternate
7 material, design, or method of construction not specifically prohibited by this
8 code, provided any alternate has been approved and its use authorized by the
9 municipal engineer.
- 10 b. The municipal engineer may approve any such alternate, provided that he or she
11 finds that the proposed design complies with the intent and purpose of this code,
12 and that the material, method, or work offered is, for the purpose intended, at
13 least the equivalent of that required in this code in suitability, effectiveness,
14 durability, safety, sanitation, and degree of structural integrity. The details of any
15 action granting modifications or the acceptance of a compliance alternative shall
16 be recorded and entered in the watershed management services division files.
- 17 c. Whenever there is insufficient evidence of compliance with any of the provisions
18 of this code or evidence that any material or construction does not conform to the
19 requirements of this code, the municipal engineer may require tests as proof of
20 compliance to be made at no expense to the municipality. Test methods shall be
21 as specified by this code or by other recognized test standards. If there are no
22 recognized and accepted test methods for the proposed alternative, the
23 municipal engineer shall determine test procedures. All tests shall be made by
24 an approved agency. Reports of such tests shall be retained by the municipal
25 engineer for the period required for the retention of public records.
- 26 **9. Water Quality Easement**
- 27 a. **Purpose**
28 Water quality easements provide protection of land, streams, wetlands, riparian
29 habitat, and water quality collection or treatment structures. Water quality
30 easements provide an option to subdividing separate tracts of land to protect
31 these areas. This will allow areas of land to be protected in an easement and still
32 be used to meet other requirements of this title, such as minimum lot size, open
33 space, etc.
- 34 b. **Applicability**
35 Water quality easements may be placed on areas of land by the property owner
36 or as required by the municipality.
- 37 c. **Prohibited Activities**
38 The following activities are prohibited in a water quality easement:
- 39 i. Clearing or significantly disturbing vegetation;
- 40 ii. Revegetation with non-native invasive species, sub-species, or varieties;
- 41 iii. Grading and excavation work;
- 42 iv. Placement of structures, fill, vehicles, and/or other materials;

- 1 v. Paving; and
- 2 vi. Storage or processing of hazardous materials.
- 3 d. ***Permitted Activities***
- 4 If approved through other provisions of this title, the municipal engineer may
- 5 approve the following activities within a water quality easement:
- 6 i. Utilities;
- 7 ii. Trails;
- 8 iii. Habitat restoration;
- 9 iv. Revegetation of disturbed areas with shrubs, trees, and ground cover
- 10 similar to the natural vegetation in the area; and
- 11 v. Drainage facilities, with provisions for water quality control devices, and
- 12 the necessary maintenance thereof.

13 Areas disturbed by construction permitted by this subsection shall be revegetated

14 with trees, shrubs, and ground covers similar to the natural vegetation in the

15 area. Revegetation shall occur in the same growing season, except as otherwise

16 permitted by the municipal engineer.

- 17 e. ***Responsibility and Enforcement***
- 18 The municipal engineer is responsible for control and acceptance of water quality
- 19 easements and is responsible for enforcing violations within a water quality
- 20 easement. Violations may be pursued under chapter 21.13.

21 10. **Inspections**

- 22 a. ***Required Inspections***
- 23 Prior to the commencement of land clearing or ground disturbing activities, the
- 24 discharge of surface water, or dewatering activities subject to this section, an
- 25 inspection of approved Best Management Practices associated with the storm
- 26 water treatment plan shall be conducted. Prior to the issuance of a certificate of
- 27 zoning compliance, a final inspection by the municipal storm water inspector shall
- 28 be completed and approved. The owner or contractor of record is responsible for
- 29 requesting the required inspections at the appropriate times.

- 30 b. ***Other Inspections Authorized***

- 31 i. A municipal official, upon presentation of proper identification, may enter
- 32 the premises at reasonable times to inspect or perform duties imposed
- 33 by this code, for the purpose of determining whether the owner or
- 34 operator thereof is in compliance with the specific requirements of this
- 35 section. If such premises are unoccupied, the official shall first make a
- 36 reasonable effort to locate the owner or other person having charge or
- 37 control of the premises and request entry. If entry is refused, any
- 38 approvals issued under this section may be immediately suspended until
- 39 an inspection is conducted, and the official shall have recourse to the
- 40 remedies provided by law to secure entry. Permittees, owners, or
- 41 operators shall immediately stop all work upon the site being posted with
- 42 a stop work order for failure to allow inspection.

1 ii. A municipal official may inspect any property or facility suspected as the
2 source of illicit discharges in violation of 33 USC 1342 (1987) as
3 amended.

4 iii. No inspection for which a warrant would be required under the
5 constitution of this state or the United States may be conducted under
6 this section without the proper warrant.

7 c. ***Availability and Production of Plans and Records***

8 Approved plans and specifications shall be available on site for review by
9 municipal storm water inspectors at the time of requested inspections. At the
10 request of municipal officials and during normal working hours, owners or
11 operators of facilities, construction sites, premises, or areas shall produce and
12 make available for inspection or copying all records or information required to be
13 maintained or reported under the provisions of this section.

14 **F. Prohibited Discharges**

15 1. **Applicability**

16 This section applies throughout the municipality.

17 2. **Prohibited Discharges or Acts**

18 No person shall cause or permit illicit discharges:

19 a. Into any waters of the state, or waters of the United States, unless such is first
20 treated in a manner approved by the federal, state, or other agencies having
21 jurisdiction; or

22 b. Into a storm sewer of the municipality, other than pursuant to a dewatering
23 permit, an approved storm water treatment plan, a National Pollutant Discharge
24 Elimination System permit, or a permit issued by a local, state, or other agency
25 having jurisdiction. Examples of discharges that are prohibited include:

26 i. Grease, fatty materials, offal, or garbage;

27 ii. Sand, sand dust, direct, gravel, sawdust, metal filings, broken glass, or
28 any material which may cause or create an obstruction in the sewer;

29 iii. Gasoline, benzene, fuel oil, or a petroleum product or volatile liquid;

30 iv. Milk or any liquid milk waste product in quantities in excess of ten gallons
31 during any 24-hour period;

32 v. Wax, cyanide, phenols, or other chemical or substance that may cause
33 damage to materials of which the sewer system is constructed; or

34 vi. Wastewater, as defined in AMC section **15.20.010 [15.65.010]**.

35 For the purposes of this section, "illicit discharges" means pollutants or any materials
36 other than storm water.

1 **3. Dumping in Watercourses and Water Bodies**

2 No person shall deposit, dump, abandon, throw, scatter, or transport solid waste,
3 garbage, rubbish, junk, fill, soil, dirt, snow, ice, **plant**, or other material in such a manner
4 as to obstruct, impound, or cause siltation of any river, stream, creek, watercourse, water
5 body, stream or water body or wetland setback, water quality easement, storm sewer,
6 ditch, drain, or gutter except as otherwise allowed by valid federal, state, and other
7 permits or licenses relative to water pollution, water impoundment, or water quality
8 control.

9 **G. Hazardous Sites**

10 **1.** For the purposes of this section, any site meeting any or all of the conditions and defects
11 described below shall be deemed to be a hazardous site, provided that such conditions
12 or defects exist to the extent that the health of the watershed, the requirements of the
13 Municipal Separate Storm Sewer System permit, or the safety of the public are
14 endangered, as determined by the municipal engineer.

15 **a.** Any site that causes sediment to be discharged in such a way that it may be
16 delivered directly or indirectly to the storm sewer or receiving waters.

17 **b.** Any site that causes pollution to be discharged in such a way that they may be
18 delivered to the watershed;

19 **c.** Any property for which the owner, manager, or tenant fails to install and/or
20 maintain properly permitted BMPs;

21 **d.** Any site that becomes flooded and retains water for a period exceeding 72 hours,
22 unless the area was designed and approved for water detention; or

23 **e.** Any site where actions are causing soil masses to be in danger of sloughing,
24 destabilizing, failing, or collapsing as a mass wasting event.

25 **2.** All sites which are determined after inspection by the municipal engineer to be a
26 hazardous site are hereby declared to be public nuisances and shall be abated by
27 installation of appropriate BMPs as determined by the municipal engineer.

28 **H. Violations and Penalties**

29 **1. Violations**

30 **a.** Any person who violates any provisions of this section shall report such violation
31 to the project management and engineering department and shall make available
32 any information or records related to the contents of the substance discharged.

33 **b.** In addition to any other remedy or penalty provided by this title, any person who
34 violates any provision of this title or regulations adopted there under shall be
35 subject to the civil penalties or injunctive relief, or both, as provided by AMC
36 section 1.45.010B.

37 **c.** In any action under this section, the municipality, if not a party, may intervene as
38 a matter of right.

39 **2. Penalties**

40 **a.** All sites operating without approval under this section may be immediately
41 posted with a stop work order and shall pay double fees for all required permits

1 or inspections under this section, as well as any fines which may be assessed.
2 In addition to any other remedy permitted by law, fines may be assessed for
3 failure to have a permit or approved plan, failure to allow inspections, or failure to
4 obey a properly issued stop work order. Violators of this section may also be
5 charged \$1,000 per day until the violation(s) is corrected.

6 **b.** Any person who negligently or intentionally permits or causes a discharge in
7 violation of this section shall, upon conviction, be subject to a civil fine penalty of
8 \$5,000 to \$10,000 per day, or injunctive relief to cease the violation, or both. In
9 addition to any fine assessed under this section, any person who violates any
10 provision of this section or any rule or regulation adopted pursuant to this section
11 shall be subject to a further civil penalty of up to double the cleanup and
12 remediation costs incurred as a result of the violation.

13 **c.** Any person who permits or causes a discharge in violation of this section shall be
14 strictly liable, regardless of intent, for the full amount of any fines or other
15 liquidated penalties incurred by the municipality for any violations of federal law
16 which are caused by the discharge.

17 **d.** No certificate of zoning compliance shall be issued until all fines levied under this
18 section have been paid.

19 **I. Appeals**

20 **1.** Appeals of orders, decisions, or determinations made by the municipal engineer shall be
21 heard by the zoning board of examiners and appeals, pursuant to subsection
22 21.03.050B.

23 **2.** The zoning board of examiners and appeals shall have no authority over the
24 interpretation of the administrative provisions of this section, nor shall the board be
25 empowered to waive requirements of this section.

26 **21.07.050 UTILITY DISTRIBUTION FACILITIES**

27 **A. Underground Placement Required for New or Relocated Lines**

28 **1.** Except as provided in subsection B. below, all newly installed or relocated utility
29 distribution lines shall be placed underground.

30 **2.** Utility distribution lines owned or operated by utilities that are parties to a joint trench
31 agreement shall be placed underground in a joint trench.

32 **3.** Nothing in this section restricts the maintenance, repair, or reinforcement of existing
33 overhead utility distribution lines.

34 **B. Exceptions**

35 **1.** Except where an assessment district has been formed to convert overhead utility
36 distribution lines as provided in title 19.60, utility distribution lines need not be placed
37 underground in the class B improvement area defined in subsection 21.08.050B., or in
38 the I-2 zoning district. However, in the following areas newly installed or relocated utility
39 distribution lines shall be placed underground: Lower Hillside, between and including
40 Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.

- 1 2. Except where an assessment district has been formed to convert overhead utility
2 distribution lines as provided in AMC chapter 19.60, CATV utility distribution lines need
3 not be placed underground where there are other overhead utility distribution lines;
4 provided that, when all of the other overhead distribution lines are placed underground,
5 the CATV utility distribution line shall also be placed underground.
- 6 3. A new utility distribution line may be placed overhead when necessary immediately to
7 restore service interrupted by accident or damage by flood, fire, earthquake or weather;
8 provided that the utility distribution line shall be replaced by a utility distribution line
9 conforming to this chapter within 12 months of its placement.
- 10 4. A utility distribution line or service connection may be placed on the surface of frozen
11 ground, provided that it is placed underground within 12 months thereafter.
- 12 5. New facilities may be added to existing overhead utility distribution facilities located
13 outside target areas.
- 14 6. A temporary utility distribution line may be placed overhead in connection with new
15 construction if the utility's tariff approved by the state public utilities commission expressly
16 provides for removal of that line by a date certain, not to exceed 12 months thereafter.

17 **C. Variances**

- 18 1. The director may grant a variance from subsection A. above when any of the following is
19 found:
- 20 a. Placing a utility distribution line underground would cause an excessive adverse
21 environmental impact;
- 22 b. Placing a utility distribution line underground would threaten public health and
23 safety, because the placement cannot be shown to meet acceptable technical
24 standards for safety; or
- 25 c. Placing a utility distribution line underground in an environmentally sound and
26 safe manner would cost more than three times the cost of placing the line
27 overhead, where the applicant demonstrates the relative cost to the satisfaction
28 of the director.
- 29 2. The director may grant a variance from subsection A. above when he or she finds that
30 the utility distribution line is being placed overhead temporarily for one of the reasons
31 listed in this subsection:
- 32 a. The line is being placed to provide service when weather conditions do not allow
33 excavation for underground placement;
- 34 b. A permanent location for underground placement is not available because of
35 construction in progress; or
- 36 c. The line is being placed to provide service to a temporary use or structure.
- 37 A variance issued under this subsection C.2. shall expire within two years of its issuance.

1 **D. Relationship to Chapter 21.12, *Nonconformities***

2 Existing overhead utility distribution lines located where this title requires new or relocated utility
3 distribution lines to be placed underground are nonconforming utility distribution lines and are
4 subject to the provisions of this subsection. A utility distribution line is not a nonconforming
5 structure or use under chapter 21.12, *Nonconformities*, solely because it is a nonconforming
6 overhead line under this section.

7 **E. Designation of Target Areas**

8 1. An electric utility that owns poles that support nonconforming utility distribution lines shall
9 prepare or otherwise include as part of its annual capital improvement plan, a five-year
10 undergrounding program consistent with subsection F. below. This five-year program
11 shall be updated on an annual basis. Priorities shall be based on undergrounding in
12 conjunction with the electric utility's essential system improvements and then by target
13 area as set forth below in no particular order of priority. The director shall review and
14 provide comment for consideration by the electric utilities on these five-year programs.
15 When reviewing and commenting on these programs, the director shall consider the
16 following factors in no particular order of priority:

17 a. Whether undergrounding will avoid or eliminate an unusually heavy concentration
18 of overhead distribution facilities.

19 b. Whether the street or general area is extensively used by the general public and
20 carries a heavy volume of pedestrian or vehicular traffic.

21 c. Whether the appearance of grounds and structures adjacent to the roadway is
22 such that the removal of the overhead facilities will substantially improve the
23 general appearance of the area.

24 d. Whether the street or area affects a public recreation area or an area of scenic
25 interest.

26 e. Whether there is a significant opportunity to achieve economies due to the
27 anticipated relocation or replacement of overhead lines or the widening or
28 realignment of streets within a given area.

29 f. Whether the five-year program sufficiently addresses the objectives of subsection
30 F. below.

31 g. Whether the area under consideration is within a zone where new and relocated
32 distribution lines are required to be placed underground.

33 h. Whether the installation of underground distribution lines is economically,
34 technically and environmentally feasible, including the effect on the attached
35 utility.

36 2. The director shall confirm annually that the electric utilities have developed project
37 undergrounding implementation plans. The director shall consult with the utilities and
38 public agencies affected by any implementation plan. In reviewing implementation plans,
39 the director shall consider the factors stated in subsection E.1. above.

40 3. The following shall be target areas:

- 1 **a.** Central Business District: between and including Third Avenue and Tenth
2 Avenue and L Street and Ingra Street.
- 3 **b.** Midtown area: between and including New Seward Highway and Minnesota
4 Drive and International Airport Road and Fireweed Lane.
- 5 **c.** All municipal and state street improvement projects except for those which do not
6 require relocation of utility distribution facilities.
- 7 **d.** The following major traffic corridors:
- 8 **i.** Old Seward Highway.
- 9 **ii.** Ingra and Gambell Streets between and including Ninth Avenue and
10 Fireweed Lane.
- 11 **iii.** Northern Lights Boulevard and Benson Boulevard between and including
12 Glenwood Street and Arlington Drive.
- 13 **iv.** Muldoon Road between and including New Glenn Highway and
14 Patterson Street.
- 15 **v.** Tudor Road between and including Patterson Street and Arctic
16 Boulevard.
- 17 **vi.** Boniface Parkway between and including 30th Avenue and New Glenn
18 Highway.
- 19 **vii.** Spenard Road between and including Hillcrest Drive and International
20 Airport Road.
- 21 **viii.** Arctic Boulevard between 17th Avenue and Tudor Road.
- 22 **ix.** Lake Otis Parkway between Tudor Road and Abbott Loop
- 23 **e.** All park, recreational use, and scenic interest areas.
- 24 **f.** Eagle River Central Business District between and including the New Glenn
25 Highway, North Eagle River Access Road, Aurora street as extended to the Old
26 Glenn Highway, and the Old Glenn Highway.
- 27 **g.** Any area where utility distribution facilities are provided by more than one utility
28 as a result of mergers and boundary changes approved by the state public
29 utilities commission.
- 30 **h.** School and university areas.
- 31 **F. Nonconforming Overhead Lines**
- 32 **1.** An electric utility that owns poles that support nonconforming utility distribution lines shall
33 remove the poles and place those lines underground. Any other utility that attaches to
34 such poles shall place its lines underground at the same time that the pole owner places
35 lines underground.

- 1 a. The electric utility that owns poles shall, in each fiscal year, expend at least two
2 percent of a three-year average of its annual gross retail revenues derived from
3 utility service connections within the municipality, excluding toll revenues,
4 revenues from sales of natural gas to third parties, and revenues from sales of
5 electric power for resale for purposes of undergrounding nonconforming lines.
6 An electric utility's expenditures, pursuant to AS 42.05.381(h), within the
7 municipality, shall be counted toward satisfaction of the two percent expenditure
8 required by this subsection.
- 9 b. A utility with lines attached to a pole that is to be removed under this subsection
10 shall place its lines underground at the same time that the pole owner places its
11 lines underground. To underground nonconforming utility lines, an attached
12 utility shall not be required to expend more than two percent of its annual gross
13 retail revenues derived from utility service connections within the municipality,
14 excluding toll revenues. For the purpose of satisfying subsection 21.07.050F.,
15 the utility's expenditures pursuant to AS 42.05.381(h) within the municipality are
16 counted toward this two percent expenditure limit.
- 17 c. The electric utility that owns poles may choose which existing lines to
18 underground in order to fulfill the two percent expenditure requirement, in
19 consultation with appropriate public agencies and any other utilities.
- 20 d. An electric utility that owns poles that does not expend the amount required in
21 subsection F.1. of this section, or that expends more than that amount, may carry
22 over the under expenditure or over expenditure as an adjustment to the following
23 year's obligation.
- 24 2. The electric utility that owns poles shall notify the director, and utilities or entities with
25 lines attached to such poles, of the approximate date that the owner plans to remove the
26 poles. Such notice, where possible, shall be given at least four months in advance of the
27 undergrounding except where an emergency or other unforeseen circumstances
28 preclude such notice, in which case such advance notice as is reasonable under the
29 circumstances shall be provided.
- 30 3. A utility shall annually submit a report of its undergrounding projects and expenditures for
31 non-conforming lines to the director within 120 days of the end of the preceding calendar
32 year.
- 33 4. All new service connections shall be placed underground in the same manner as required
34 for utility distribution lines under subsections A. and B. above. New service lines may be
35 temporarily installed above ground from October through May, if placed underground
36 prior to the next October.

37 **G. Lines in Municipal Right-of-Way**

- 38 1. The department of project management and engineering shall furnish to a utility owning
39 or operating utility distribution lines all planning documents for municipal road
40 construction that will require the relocation of those utility distribution lines.
- 41 2. Once a utility installing a utility distribution line underground in material compliance with a
42 right-of-way permit issued by the department of project management and engineering
43 and in accordance with this chapter, the municipality shall reimburse the cost of any
44 subsequent relocation of the utility distribution line required by municipal road
45 construction.

1 **3.** If municipal road construction requires the relocation of a nonconforming utility
2 distribution line, the municipality, as part of the road construction project cost, shall
3 reimburse the cost of the relocation. Reimbursable costs under this subsection include
4 engineering and design, inspection, construction, and general overhead costs, but
5 exclude utility plant betterment costs. Plant betterment costs are the costs of providing
6 utility distribution line capacity or quality beyond what current industry standards require
7 for the capacity or level of service existing before the relocation.

8 **H. Conversion of Service Connections**

9 A utility that places a nonconforming utility distribution line underground as required by subsection
10 F. above shall bear the cost of placing underground any related service connections or other
11 utility facilities on a customer's premises, in accordance with the utility's applicable tariff or rules
12 or regulations of operation.

13 **21.07.140 OPERATIONAL STANDARDS**

14 **A. Purpose**

15 The purpose of these operational standards is to prevent land or buildings within the municipality
16 from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or
17 otherwise objectionable condition that would create adverse impacts on the residents,
18 employees, or visitors on the property itself or on nearby properties.

19 **B. Applicability**

20 The provisions of this section 21.07.140 shall apply to all land within the municipality. The
21 director may authorize temporary exemptions from one of more of the standards in this section
22 during construction.

23 **C. Standard**

24 No use may cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or
25 noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which it is located.
26 No equipment or process shall be used which creates visual or audible interference in any radio
27 or television receivers off the premises, or causes a fluctuation in line voltage off the premises.

28 The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that
29 generated by uses permitted in the district in their customary manner of operation, or to a degree
30 injurious to the public health, safety, welfare, or convenience.

31