

Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-29

An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Marine Mammal and Anadromous Waterbody Habitat Protections.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. CBJC Chapter 49.70 Specified Areas Provisions, Article III Sensitive Areas, is amended to read:

...

49.70.310 Marine mammal Habitat protections.

(a) Development in the following areas is prohibited:

(1) On Benjamin Island within the Steller sea lion habitat;

~~(2) Within 50 feet from the ordinary high water mark of streams designated in~~

~~Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013~~

~~Update; and~~

~~(3) Within 50 feet from the ordinary high water mark of lakeshores designated in~~

~~Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013~~

~~Update.~~

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2 ~~(b) In addition to the above requirements there shall be no disturbance in the following areas:~~

3 ~~(1) Within 25 feet from the ordinary high water mark of stream corridors designated in~~
4 ~~Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013~~
5 ~~Update; and~~

6 ~~(2) Within 25 feet from the ordinary high water mark of lakeshores designated in~~
7 ~~Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013~~
8 ~~Update.~~

9
10 ~~(c) The following developments or disturbances are exempt from the setback prohibitions of~~
11 ~~this section:~~

12 ~~(1) Docks, bridges, culverts and public structures whose purpose is access to or across~~
13 ~~the stream or lake; and~~

14 ~~(2) Uses which must be in or adjacent to the stream or lake in order to function, such~~
15 ~~as mining activities, fish culturing, water supply intakes and similar uses.~~

16 ~~Except for the setback area necessary for such developments or disturbances, the remaining~~
17 ~~setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or~~
18 ~~revegetation shall be kept or arranged to maximize shade on the stream or lake. A variance is~~
19 ~~required for any other development or disturbance in the setback prohibitions of this section.~~

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21 **49.70.320 Watersheds.**

22 Development in watersheds designated in the comprehensive plan of the City and
23 Borough of Juneau, 2013 Update, shall not cause degradation of the existing water quality or
24 ground water recharge capabilities of the site according to standards established by the state
25 department of environmental conservation. Upon request of the director, the developer shall
provide evidence of compliance by certification of a professional engineer.

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2 **49.70.330 Anadromous habitat protections.**

3 (a) Development in the following areas is prohibited:

4 (1) Within 50 feet from the ordinary high water mark of streams designated in
5 Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013
6 Update; and

7
8 (2) Within 50 feet from the ordinary high water mark of lakeshores designated in
9 Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013
10 Update.

11 (b) In addition to the above requirements there shall be no disturbance in the following areas:

12 (1) Within 25 feet from the ordinary high water mark of stream corridors designated in
13 Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013
14 Update; and

15 (2) Within 25 feet from the ordinary high water mark of lakeshores designated in
16 Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013
17 Update.

18
19 (c) The following developments or disturbances are exempt from the setback prohibitions of
20 this section:

21 (1) Docks, bridges, culverts, and public structures whose purpose is access to or across
22 the stream or lake; and

23 (2) Uses which must be in or adjacent to the stream or lake in order to function, such
24 as mining activities, fish culturing, water supply intakes and similar uses; and

25 (3) During construction of a development, work may be conducted within the 35-foot to
50-foot buffer in order to construct a permitted project.

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2 (4) The following standards shall apply:

3 (A) Prior to issuance of a building or grading permit, the developer must submit
4 a vegetation or revegetation plan to the director for approval.

5 (B) Such vegetation or revegetation shall be kept or arranged to maximize shade
6 on the stream or lake.

7 (C) The area disturbed shall be vegetated with native species according to the
8 Alaska Department of Fish and Game's Stream Revegetation and
9 Protection: A Guide for Alaska.

10 (D) Except for the setback area necessary for such developments or
11 disturbances, the remaining setback shall be vegetated or revegetated
12 within one growing season.

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15 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

16 Adopted this _____ day of _____, 2023.

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19 _____
Beth A. Weldon, Mayor

20 Attest:

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22 _____
Elizabeth J. McEwen, Municipal Clerk