

Presented by: The Manager  
Introduced: 12/18/2017  
Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2017-29**

**An Ordinance Amending the Land Use Code Relating to Development in the Vicinity of Eagle Nests and Eagle Habitat.**

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 Section.** CBJ 49.15.320(f)(9) Allowable use permit, is amended to read:

**49.15.320 Allowable use permit.**

...

(f) *Conditions on approval; allowable uses.* The commission may condition an allowable use permit upon one or more of the following:

...

(9) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) Developments in wetlands and intertidal areas, including freshwater marshes, saltwater marshes and intertidal flats.

...

**Section 3. Amendment of Section.** CBJ 49.15.330(g)(10) Conditional use permit, is amended to read:

**49.15.330 Conditional use permit.**

...

(g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

...

(10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) Developments in wetlands and intertidal areas.

...

**Section 4. Amendment of Section.** CBJ 49.60.200 Sensitive areas, is amended to read:

**49.60.200 Sensitive areas.**

A development in stream corridors and lake shores, wetlands and intertidal areas or any combination thereof, as shown on the sensitive areas map, may be awarded:

- (1) Bonus points for interests in land which protect additional land within or adjacent to such sensitive areas beyond that which is required in chapter 49.70;
- (2) Bonus points for an interest other than a deed providing for public access through sensitive area lands, either required or voluntarily reserved; and
- (3) Bonus points for a deed to the City and Borough of required or reserved sensitive area lands.

**Section 5. Amendment of Section.** CBJ 49.70.310 Habitat, is amended to read:

**49.70.310 Habitat.**

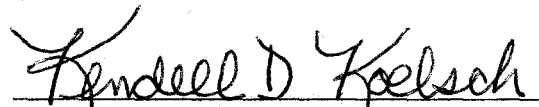
(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Steller sea lion habitat;
- (2) Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
- (3) Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

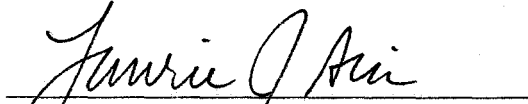
- (b) In addition to the above requirements there shall be no disturbance in the following areas:
- (1) Within 25 feet of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
  - (2) Within 25 feet of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 8<sup>th</sup> day of January, 2018.

  
Kendell D. Koelsch, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk