

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 Area Provisions, Article III - Sensitive Areas, is amended to read:

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**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.

**49.70.320 Watersheds.**

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

**49.70.330 Anadromous habitat protections.**

- (a) Development in the following areas is prohibited:
  - (1) 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

- (2) 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.

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

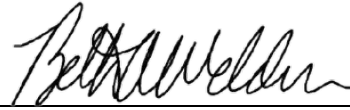
- (1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
- (2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of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

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

- (1) Docks, bridges, culverts, and public structures whose purpose is access to or across the stream or lake; and
- (2) Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses; and
- (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; and
- (4) The following standards shall apply:
  - (A) Prior to issuance of a building or grading permit, the developer must submit a vegetation or revegetation plan to the director for approval.
  - (B) Such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake.
  - (C) The area disturbed shall be vegetated with native species according to the Alaska Department of Fish and Game's Stream Revegetation and Protection: A Guide for Alaska.
  - (D) Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated within one growing season.

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

Adopted this 10<sup>th</sup> day of July 2023.



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Beth A. Weldon, Mayor

Attest:



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Elizabeth J. McEwen, Municipal Clerk