

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
July 27, 2015, 5:00 PM.
City Hall Assembly Chambers**

Assembly Worksession - No public testimony

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. July 13, 2015 Committee of the Whole DRAFT Minutes

IV. AGENDA TOPICS

A. Ordinance 2015-03 (b) - An Ordinance Amending the Land Use Code (related to Subdivisions)

V. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

DRAFT

THE CITY AND BOROUGH OF JUNEAU, ALASKA Assembly Committee Of The Whole Work Session Minutes

July 13, 2015

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 6:05 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Maria Gladziszewski, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Kate Troll and Debbie White.

Assemblymembers Absent: Karen Crane, Loren Jones,

Staff present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Beth McEwen, Deputy Clerk; Hal Hart, Community Development Director; Kirk Duncan, Parks and Recreation Director; Beth McKibben, Planning Manager; Chrissy McNally, Planner; Carl Uchytel, Port Director; Gary Gillette, Port Engineer.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as amended by Ms. Becker to add two items from Assemblymembers.

III. APPROVAL OF MINUTES

a. June 22, 2015 Assembly Committee of the Whole

Hearing no objection, the minutes of the June 22, 2015 Committee of the Whole meeting were approved as corrected.

IV. AGENDA TOPICS

a. Capitol Cup Tennis Match

Presentation from Ms. Troll said she attended the Capitol Cup Tennis Match between Whitehorse and Juneau, which has taken place for over 20 years. The mayors waged a friendly bet on who would win and the losing mayor is required to wear the apparel of the winning city at a formal event. There were 15 Juneau participants and Juneau won 19 matches, Whitehorse won 19, but Whitehorse had a higher number of games by 12, therefore, Ms. Troll presented a Whitehorse hat and sweatshirt to Mayor Sanford to wear at the next ribbon cutting ceremony.

b. Dock Project 16b Electrification

Invited guests included Tim McLeod, General Manager, Alaska Electric Light and Power (AEL&P); Ben Haight, Electrical Engineer, Haight and Associates; Keith Comstock, President, Juneau Hydropower; Duff Mitchell, Managing Director, Juneau Hydropower; Kirby Day, Princess Cruises and Tom Dowd, VP Corporate Affairs, Carnival Lines.

DRAFT

Ms. Kiefer said there had been significant discussion of an electrification project of the new city docks and so asked for stakeholders to present their information to the Assembly.

Mr. Day introduced Mr. Dowd as an initial proponent of shore power since 2001. Mr. Dowd said the core principal of the shore power project was that Princess designed and installed a system to buy surplus power from an AEL&P substation at a competitive rate. AEL&P used the proceeds from this sale to prefund the COPA fund, which essentially benefited all the rate payers in Juneau by reducing the surcharge when hydro was down and the utility had to use diesel back up generators. The project benefited Juneau residents financially and environmentally, and allowed the ship a competitive rate to justify the ships being able to invest in retrofitting the ships for shore power. It has worked well for 15 years. Currently, most of the ships have invested in exhaust gas cleaning systems, known as "scrubbers," which has been a major reinvestment in ships to allow them to use less expensive fuel, as opposed to burning jet fuel. We feel this is the best current technology as it creates reduced emissions not only at the dock, but while the ships are underway. It also does not require the significant investment from the community. They do have ships that will continue to do the electricity at the Princess dock. He said the Princess and Holland America ships had electrical outlets on opposite sides and that was a complication. His company believed that the investment in scrubbers was a better overall program due to accomplishing a broader range of benefits. Shorepower still worked as long as there was a surplus of power and the connections were suitable to the ships in use.

Ms. Troll asked if the scrubbers were effective in capturing green house gases. He said until other fuel sources were available, the ships would continue to use hydrocarbon fuels, so shoreside power would be reduced from ships for the time the ships were in port using available excess power, essentially one third of one day a week. Ms. Troll said that could be increased if each port provided shore power. Mr. Dowd understood and said the focus of shore power for human health improvements in the immediate vicinity of the port. The scrubbers are not perfect, and they are a significant investment, and are a dramatic improvement to air quality. Many ports do not have the excess power to provide, and some of those ports use nuclear and fuel generated power. The best way for the ships to reduce green house gases is to improve the efficiency of the fuel burned. Through a variety of techniques they have reduced their consumption over the past 5 years.

Mayor Sanford asked to know many of the 27 large cruise line vessels that visit Juneau in the summer have scrubbers, that are moving towards LNG, that are either already electrified or not yet and what are their plans. Mr. Dowd said he believed 100% of the ships in Alaska would offer the scrubbers within the next seven years due to global concerns. He was not sure how many would get shore power. They would need to be ships that firms were confident would remain on the West Coast for the foreseeable future, where there were the few ports that had connections. The ships would get scrubbers but not necessarily shore power connections. Cities with shore power connections include Vancouver, Canada, Seattle, San Francisco, Los Angeles and San Diego.

Carl Uchtyl said the 16b project was awarded to Mansen Construction to cast the floats and would mobilize this September for the South berth. The project allows most Panamax ships to tie up at the City owned properties. In the early phases, they placed the conduits for pulling cable and spot the transformer spots to eventually electrify one or both berths, so at the time it would be needed the installation could be done with minimal impacts. He said they have done their due diligence to provide the necessary infrastructure to pull cable and work with AEL&P when the capacity to produce power more than one cruise ship in town was available and when the industry is asking for the connections.

DRAFT

Ms. White said the promotion of the dock project stated the facility would have water/sewer and electrical hook ups. We should be prepared and this is what the public was told. Mr. Uchtyl said the promotion was that sewer hookups would be immediate, but power would be in the future. We have not overpromised power as it is based on surplus power. One cruise ships take a third of the community's entire power load.

Mayor Sanford asked Mr. Uchtyl if he was confident that current engineering process would prepare the docks for this future use or would we need to re-engineer in the future with more infrastructure required. Mr. Uchtyl said the he thought a submarine cable may be better or cheaper so it was premature to say it would be done in one way or another. Where we put the light system is an unknown as we don't know which ships will have the capacity for shore power. The project needs to be built, see what industry standards are in the future, and it would not be worth driving piles and building a system now, as it would be a stab in the dark. Mr. Uchtyl said the docks and transfer bridge would be very robust.

Ben Haight said system is designed and would be constructed with raceways from above South Franklin Street to the shore and there is an ability now with current engineering to facilitate a variety of options, either underwater to new dolphins, without having to go backwards, and we also have the ability to route cables down the bridges to the floating docks and the docks are designed to put the cable on the docks. There are options but we have not committed because we don't know what we will get with the ships.

Mr. Kiehl said he was not tracking the cost of engineering vs. the cost of retrofitting with a festooning system. Mr. Haight said the dock was constructed before the festooning system was installed for the Franklin dock and we constructed additional pilings and infrastructure, so we are talking about something similar here. We need to facilitate the ships that will be scheduled into port so we are designing for future construction. Mr. Uchtyl said it would be fiscally irresponsible to install to build out transformers, switching gears, cable and have it sit there until it could be powered, to sit in the elements until an unknown future use date. Industry could not tell which ships are coming, determine an industry standard as some had power on the port, some on the starboard, so to drive piling without a design requirement was impractical. Mr. Haight said he did not have design cost information available now, which would also need information from AEL&P.

Ms. Troll said if Juneau only reacts to what the industry wants, it would not have moved forward with the 16b project and she doesn't think we need to wait to for ships to clamor for electrification. Ms. Troll said Juneau could urge, give incentives, and the world was moving towards this without being like California that passed a law to require it. Mr. Uchtyl said he was not against electrification and the board supported it, but it was premature to spend more money without knowing the future.

Ms. Becker asked if there were other lines besides Princess and Holland America that wanted power. Mr. Uchtyl said that Mr. Dowd represented Carnival Cruise Lines, which had Princess, Holland America, Carnival, the majority. There were also Royal Caribbean, Celebrity, Norwegian Cruise Line, and Disney. Ms. Becker asked if those ships wanted shore power and Mr. Uchtyl said that Mr. Dowd said it was not penciling out to invest in the shore power with the limited time the ships would be plugged in. If AEL&P said they had excess power available, we are ready but until there is sufficient supply, we can move forward.

Ms. Gladziszewski asked how ready the 16b project was to add shore power. Mr. Uchtyl said everything shore side was ready, no streets would need to be "dug up," but the question was what is needed on the water side, and those decisions were based on the ships that would want

DRAFT

to dock there, which were unknowns. Mr. Sanford said that AEL&P would need to put infrastructure in place as well.

Mr. Kibby said that Disney does have shore power and plugs in when in Vancouver, their port of origin. Mr. Dowd said the Californial requirement to connect to shore power only applies to those with five or more calls to California in a year. Traditionally many of the Alaska ships make only two calls in CA, and Royal Caribbean is not interested in shore power. Also, cargo ships are very different than cruise ships. Mr. Kirby said the festooning system was on piles, not on a dock.

Tim McLeod said this was a complex topic. AEL&P connected the cruise ships due to economic reasons as it helped provide lower cost power to Juneau, with the side benefit of air quality. Hydropower in Juneau is some of the cleanest energy in the world, and very dependable. Hydro is very expensive to build but inexpensive to run. Whenever they build a hydro, they build a diesel to back it up. Hydro output is different every year. If properly managed, hydro projects can be very low cost over the long run. If they sell too little energy, it spills over the dam. Managing those projects are difficult, especially forecasting future loads. They need to be able to switch on and off with the loads. AEL&P had full expense of the Snettisham project in the 1970s. In the 1980s they had to rely on diesel and that is when prices went up. In 1990s they went to the dual fuel program for housing. Juneau was the first port to connect cruise ships to shorepower in 2001. They sold any surplus energy to the shorepower. Dual fuel customers got energy first then the Princess ships. As they moved forward with Lake Dororthy project, they knew that they would again have surplus energy, they brought Green's Creek Mine on in the third tier of their priority sequency. At AEL&P, approximately 20% of their load is interruptible. Depending on precipitation, they could meet the loads needed. They don't wait until they are spilling water to determine there will be surplus. They scientifically track and forecast lake levels and rainfall. The timing also adds another layer of complexity. Under current conditions, terms are ideal for Juneau. AELP provides enough energy to serve the community. They have enough interruptible for supply. Have some room for growth, but not an excessive amount of hydro power that is costing their customers high rates. They always recommend if you have opportunities to put conduits in to do so. He said at this time he doesn't recommend they put in the big infrastructure because they do not have a big surplus in energy. They support the idea for powering ships, but they would have to be careful about powering more ships because if they oversell, someone has to run diesel. The Princess has the largest load of the ships, but we could connect ships 30% of the time now if the ships were ready and it would not be near the benefits seen by the Princess ships. AEL&P is now a subsidiary of AVISTA corporation. AVISTA has been looking at bringing LNG to Juneau. If that did work out, they could firm up some of the interruptable load customers by entering an agreement to supply them generation with LNG so they could maximize their hydro. They are investigating the construction of the Sheep Creek hydro. That may open up a small amount of hydro. Mr. McLeod explained the total loads of power and what interruptable loads were.

Ms. Kiefer asked Mr. McLeod about plans for future substations for cruise ships. He said Mr. Haight had developed a master plan for the potential of connecting these new docks. A location on city land has been identified. That is a 15 megawatt transformer. It would require an investment of approx. \$5 million to get the substation up and going. Would not recommend making that investment at this point in time. He would suggest adding the conduits so it would be ready for installment. It would be specific to just the cruise ship docks. Mr. Haight said that substation would be unique to the cruise ships because they are on a different voltage than the rest of town. Mr. McLeod said that the ships themselves had two different voltages as well and 16b would take one substation, the current substation was too far from that dock or the AJ dock, and the AJ dock would require a third substation.

DRAFT

Duff Mitchell said he analyzed the Juneau market for the cruise docks. 18% of the boats now were hooked up and those were exclusively Princess. There were several days when more than one Princess ship was in dock with only one able to hook up. This year 84 visits are to the electrified Princess docks, which was 19% of the port visits. The market potential is 43.8% in 2015. That translated to sales, taxes, jobs, and hook ups. He was talking with cruise lines and the Disney ships were eager to hook up. He said that Holland America could take one dock itself. He spoke with Mike Watts, VP of Cochran Electric, who assisted with the Juneau electrification and had built Halifax, San Diego, Vancouver, Seattle, San Francisco and New York, and asked him to analyze our engineering system from our Port Director. He said it was more efficient to consider the engineering and design electrification tasks before or during construction to avoid more expensive changes later. Weight, safety, balance and loads need to be considered. I am not an engineer, but what is the engineering for electrification to be electrification ready. Regarding capacity, the power from Sweetheart lake will be in production late 2017, we plan on going to construction late next year. Kensington takes 70,000 megawatts. Greens Creek is interrupted 25-30% of the time, and they require 17,500 – 22,500 megawatts annually, which is larger than the demand from Haines or Skagway. Future cruise ships are estimated to need 10,000 megawatt hours. Princess is burning 6,000. There is not a capacity problem. We are trying to provide low cost power and if an interruptible customer is burning diesel, and we can sell them hydro. Any money AEL&P makes on Juneau hydropower has to be put towards lowering rates as they have a 12.88% return on an equity and these figures are set by the Regulatory Commission of Alaska. We will use capacity and lines that currently exist and the fees for sending power through those lines have to reduce the rates as well. He spoke about the benefits of reducing green house gases through electrification. We want to sell the electrical capacity that we will have in the near future, and we see the dock electrification as one customer. He said their project has financing set, and the Federal Energy Regulatory Commission has issued a timeline. They plan on mobilizing as soon as they get the notice to proceed in Spring 2016 and late in 2017 or the first quarter of 2018 will be the latest projected power dates.

Mr. Dowd said as long as they had ships equipped with shore power they would utilize those where shore power was available. There was a tremendous churn of ships coming to Alaska and predicting which ships would be docking in 2017 based on 2015 would not provide an accurate outcome. All of Holland America's connections were starboard side, however, looking at the dock designs, all of the connections for any ship, port or starboard, would not be on the floating dock. The consultant is talking about putting a jib or a system for festooning on a dock, and that was not going to happen with these docks and they would all be out where the cat walks are, because all of these connections are aft of the mid-ship. These ships are all retrofitting because they weren't designed for shore power, so ha They are part of their company. So long as they have ships equipped with shore power, so the connections are not all the same on all the ships, and having the flexibility makes it very complicated. You would want to have someplace to screw in the lightbulb before you show up with the lightbulb in hand, so you want to make sure the power is actually there to supply it if you go forward with it. There must be assurance for reliable shore power availability.

Mr. McLeod said that Mr. Mitchell said building his hydro would lower costs of power in Juneau and Mr. McLeod said that was not possible. One of the reasons for the low rates now was that some of the hydro projects are very old – Snettisham puts out power at \$.04 / kw, but if we built that facility today that would cost \$.20 / kw. Mr. Mitchell also said that hydro was always cheaper than diesel, and that was also not true. Cruise ships buy their energy in bulk and the cruise ships can create their own power.

DRAFT

Mr. Kiehl asked what the cost of power was when generating it on board. Mr. Dowd said that fuel prices changed but currently it was \$.15 - .18 / kw when using cheaper fuel.

Mr. Mitchell said that when economies of scale are met, the incremental costs do not go up and when looking at the summer, the cruise ships are the perfect balance for using excess power rather than spilling power. It is clear that when renewable energy displaces diesel it has a downward effect on prices.

Ms. Becker thanked everyone for the thorough information.

c. Utility Advisory Board Annual Report

Scott Willis, the Chair of the Utility Advisory Board, to advise the Assembly regarding the water and wastewater utilities. He presented the annual report. Five of the seven members have been with the board for the full ten years that the board has been in effect. Grant Ritter was also present at the meeting and was a board member. For the first part of the year virtually all of the board's attention was on the rate study. He thanked the Assembly for the support and assuring the utilities financial stability. Currently the board was looking at addressing biosolids. Shipping biosolids is precarious due to shipping and the receiving. They are meeting frequently to investigate alternatives and hoped to provide a recommendation to the Assembly by the end of the year. The board has also had briefings on the rehabilitation of the Last Chance Basin Well Field, the Salmon Creek Filtration installation and the reorganization of the Water and Wastewater Divisions and the combining of Engineering and Public Works.

Ms. Troll asked about any future attempt to look at the utility rates based on usage. Mr. Willis said that would be discussed, it is referred to as the "cost of service," but that was a future issue.

Mr. Kiehl asked about the headworks at the sewage treatment. Mr. Willis said they have not taken up that issue. Mr. Watt said there were two projects in the CIP for headworks at both the JD and Mendenhall plants. The Mendenhall project would proceed fairly straightforwardly, and there would be policy decisions at the JD plant revolving planning for cruise ship wastes (capacity). Industry would be consulted on its needs and the topic would return to the Assembly. There could potentially be a cost sharing project.

Mayor Sanford said he believed the conclusion in the report was untrue, which stated that due to the CBJ not raising utility rates, the infrastructure maintenance was deprioritized and CBJ fell behind in the ability to perform necessary repairs and upgrades. He said CBJ had provided CIP had provided CIP money, state loan dollars, state grant dollars to work with the utilities and keep them up to par. He could not think of a project to which the Assembly had said no. If sewer and water projects were not completed in that timeline it was because staff did not bring forward because everything that was brought forward was funded and not only taken care of but also expanded within the service areas.

d. Parks and Recreation Department Update

Kirk Duncan gave a special thanks to Mr. Kiehl, Ms. Gladziszewski, and Mr. Nankervis for dunk tanking at the Rotary Day at Dimond Park Aquatic Center.

One of the goals of P&R was to increase participation in the facilities, to increase revenue and cost recovery. We will make residents more aware of services. We are buying a new point of sale program to capture user data for increasing participation. We will enhance our youth

DRAFT

program and have been asked to take over the after school program. We will have a fair for the summer programs for youth in May and from this we can see where there are holes in the offerings and fill those. P&R is considering filling the need for providing summer employment for youth for necessary trail maintenance similar to a program in Anchorage. SAGA no longer offers this program.

P&R is taking more of a business approach to programs. We will work on creating demand for our programs vs just filling demand. We are working on asset management.

We are working on getting user feedback and did an interim project with McDowell so people could go online and rate the facilities. We will keep monitoring that and as we change the programs, we will see what the response is to those changes.

Will be working with PRAC, Aquatics Board, and Treadwell Advisory Board to establish rates and cost recovery goals. The Eagle Valley Center, which was managed by SAGA, is now under the auspices of Parks and Recreation and we will be looking at opportunities for that facility. He spoke about Health and Wellness guiding principals.

Mayor Sanford asked if there were ideas for use of the Eagle Valley Center. Mr. Duncan said there was a high demand for the “ropes” course and summer camps can be run out of that facility. He hopes to work with the school district for cross country skiing and snowshoeing.

Ms. Troll acknowledged the tremendous amount of change that the Parks and Recreation department was facing and she complimented Mr. Duncan and his staff.

Mr. Duncan said they just held the first Aquatics Board meeting and the shared goal is increased participation.

e. Effect of Waterfront Industrial to Industrial Rezone Request on Proposed Marina Development.

Beth McKibben and Teri Camery said they were available to answer questions. Ms. McKibben said that public works submitted an application to rezone property on the rock dump from waterfront industrial to industrial, which went to the Planning Commission. The PC denied the request and the decision was protested by Engineering and Public Works. It is the Assembly’s decision whether to bring forward an ordinance to accomplish the rezone, and at the last meeting at which this was considered, the Assembly requested more information, and staff prepared a memo in the packet in an attempt to answer those questions.

Ms. Troll summarized the Assembly wanted to understand what effect the proposal would have on Mr. Lockwood’s proposed development, staff responded that the rezone would have negligible effects on his proposal, and she asked when the matter could return to the Assembly.

Ms. McKibben said the Assembly could ignore the request or the Assembly could make findings that would create such an ordinance to support a rezone. The Department could reapply in 12 months for another similar zone change.

Mr. Steedle said that the original rezone request was for the entire strip of land along the waterfront and the portion of unused property on the JD Treatment Plant site and there was a suggestion in the memo from Ms. Camery to modify that request to rezone just the portion that fronts from treatment plant. Mr. Uchytel did not support the entire rezone because he felt that would limit Docks and Harbors ability to manage that area, but did support the modified zone

DRAFT

request. Ms. McKibben said that as an extension of an existing code, the requirement that a rezoned property be 2 acres or more was not applicable. She said the Assembly had the authority to make findings for staff to include in an ordinance and direct that ordinance to be introduced and publicly heard.

There was discussion about the need for better communication between city departments on projects of mutual interest, like this one. Mayor Sanford wanted Engineering and Public Works, Docks and Harbors and CDD to be on the same page.

Mr. Watt said that discoordination stems from a less than perfect lease document. He reviewed packet materials to explain the lease area and the location of the sewage treatment plant. Mr. Watt said staff has asked for a survey of the leased area and we have not been provided with that information. A condition of the lease was to provide that document and it has not been surveyed since the 1960's.

Mr. Lockwood said the survey was on file and had been provided. Mr. Uchtyl said that what is referenced is a memo from former Engineering and Public Works Director Joe Buck outlining that the sewage treatment plant encompassed a 150' perimeter around the plant and included the snow storage area. Mr. Uchtyl said that he did not believe that was sufficient for description.

Mr. Lockwood said the survey was done in 1967 when the tidelands were given to the city. That was the lease area, with the exception of the area of the sewer plant as defined by Mr. Buck.

Ms. Troll said the question before the Assembly was whether to make a zone change for snow storage and other industrial uses. The proposal now was to consider a rezone for a portion of the property to become industrially zoned. She asked if there was alignment between the city departments.

Mr. Uchtyl said Docks and Harbors felt it was in the best interest to not limit the ability to use tidelands areas for waterfront uses in the future. He thought the discussion was regarding the incinerator, not for parking equipment. He said he needed to think about this more.

***MOTION**, by Mayor Sanford, to return this rezone request to the Planning Commission, with the intention that this request be reviewed with the Docks and Harbors Department and the Engineering and Public Works Department, and returned to the Assembly. Hearing no objection, it was so ordered.*

Mr. Kiehl said he would like to understand the disposition of the lease before the Assembly took action on this issue. Mayor Sanford said he would like to have the issues regarding Mr. Lockwood's project figured out before October when the lease ends. Ms. Kiefer said Mr. Uchtyl has sent a letter to Mr. Lockwood outlining the need for a survey area specific to his project, not just the overall tidelands survey. Mayor Sanford urged for clarity in communications between all of the parties. Mr. Nankervis recommended that the Law Department and Docks and Harbors meet to determine whether or not the lease was valid. Mr. Uchtyl said that had been done, and there was disagreement still by Mr. Lockwood that a survey was specifically required by the lease beyond the 1960's tideland survey.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

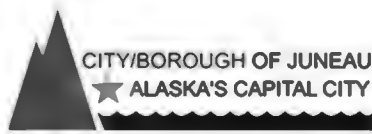
Mr. Kiehl said he had been approached by a number of members in the community to request an ordinance in response to the concerns about equal rights in response to the Supreme Court decision on marriage. Equal rights in the community was more inclusive than just the reference

DRAFT

in ordinance to CBJ employment, and there was an interest in protecting rights within the community from private employers and housing. He asked for permission to work with the Law Department to draft a revised ordinance on non-discrimination, similar to a bill worked on by Representative Cathy Munoz. Hearing no objections, Mayor Sanford asked Ms. Kiefer to determine the workload of the Law Department.

VI. ADJOURNMENT - 9:00 p.m.

Submitted by Laurie Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Borough Assembly

FROM: Amy Gurton Mead, Municipal Attorney *AGM*

DATE: July 22, 2015

SUBJECT: Explanation of Revisions to 2015-03(b)

This memorandum notes the changes made to version (b) of the ordinance. This memo is in lieu of indicating the changes on the draft ordinance by italicized strikethroughs and deletions. (Given the size of the ordinance and that the original contains italicized code already, I thought this would be less confusing.)

49.15.401(c)(2) at p. 8: I added a requirement that the actual cost of mailing be paid by the applicant for consistency with the rest of the public notice provisions.

49.15.401(c)(4)(E)(i) and 49.15.402(c)(4)(E)(i) at pp. 8 and 10. Both the minor and major subdivision sections were amended to require a finding that the subdivision be “constructed to conform” with water and drainage requirements rather a finding that the subdivision than “meets” drainage and water quality requirements, since this is a pre-construction finding that’s being made. The new subsection reads the same in both CBJ 49.15.401 and 402:

(c)(4)(E)(i) The subdivision can be constructed to conform to ~~meets~~ applicable drainage and water quality requirements;

49.15.401(c)(4)(E)(iii) and 49.15.402(c)(4)(E)(iii) at pp. 9 and 11. Both the major and minor subdivision sections were amended for specificity. These subsections relate to the findings to be made by the engineering and public works director, who reviews the improvements, not the subdivision as a whole:

(iii) Any proposed improvements ~~The subdivision~~ conform to the requirements of this title and ~~that any proposed improvements~~ can feasibly be constructed in accordance with this title;

49.15.403 at p. 12. This section was rearranged to clarify that the criteria listed in subsection (b) applies to all lot consolidations, not just those that do not require a plat. Previously the criteria listed in subsection (b) were made specific to just those lot consolidations to which the director determined a plat is not required.

(a) An application for the consolidation of two or more abutting lots shall be submitted on a form provided by the department along with the application fee. Unless waived by the director, an applicant must also submit a plat prepared by a professional land surveyor

licensed to practice in Alaska. If the director determines that a plat is not required, the applicant shall submit a drawing satisfactory to the director, indicating all existing and proposed lot lines. If a plat is required, the minor subdivision process shall apply.

(b) An application shall be approved if the ~~of the following criteria are met~~ ~~If a plat is required, the minor subdivision process shall apply.~~ ~~If a plat is not required, the director shall approve the:~~

49.15.411(h)(4) at p. 22. 49.15.411 is a very long section outlining everything that must be contained on, or submitted with, the preliminary plat. Subsection (h)(4) addressed the drainage report. I added this line to that subsection: “Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer,” to distinguish the preliminary drainage report, required as part of the preliminary plat process, from the drainage plan required by CBJ 49.35.510 as part of the construction plan process (which occurs after the preliminary plat is approved.)

A related change was made to **49.35.510 at p. 60.** I removed the line stating that the drainage plan was an “extension” of the drainage report required by the preliminary plat process as that language created ambiguity. Instead, the language in 49.15.411 was clarified to distinguish between the plan and report (see above.)

(a) The developer must provide a total surface drainage plan, prepared by a civil engineer licensed to practice in the State of Alaska, for approval by the director of engineering. ~~This plan is an extension of the report submitted with the preliminary plat required by CBJ 49.15.411. The plan must be prepared by a civil engineer licensed to practice in the State of Alaska, The plan must show all drainage facilities, and must include:~~

49.15.412(e)(2) and (6) at p. 25. This section was amended to require all required certificates required as part of the water or sewer system, and not just the one certificate required DEC. This was done by adding references to the water and sewer code sections (where the reports are specified). (See CBJ 49.35.310 and 410.) Referencing .310 and .410 also allowed for the combining of two subsections as follows:

(e) *Other documents.* While not required to be placed on the plat, the following documents are required, except as noted below:

(2) Any certificates of approval required under CBJ 49.35.310 or 49.35.410.
~~Certification of approval of the Alaska Department of Environmental Conservation as to domestic water supply and sewage disposal;~~

...

(6) ~~—If a community water system is proposed, a certification of approval from the Alaska Department of Environmental Conservation is required. This requirement does not apply to submittals for a subdivision of four lots or fewer; and~~

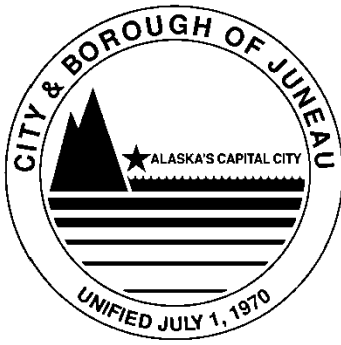
49.15.420(b) at p. 27. I added a subsection to reference protecting public health, safety and welfare as a basis for restricting access to abutting street with respect to double frontage lots.

(b) *Double frontage lots.* Except for corner lots, lots served by an alley, or where a frontage road or interior access road is required, double frontage lots should be avoided. When such lots are permitted by the commission or the director, the plat shall indicate which abutting street is not approved for access when access restrictions are deemed appropriate in order to:

- (1) Prevent direct access to a collector or arterial street;
- (2) Restrict access to prevent unsafe sight distances;
- (3) Prevent the construction or maintenance of driveways near intersections; or
- (4) Protect public health, safety and general welfare.

49.15.423(a) at p. 28. This section underwent a minor language change (“The subdivision of a parcel with a panhandle” was changed to “The subdivision of a parcel creating a panhandle...” for clarification.

49.15.434(a)(9) at p. 33. I corrected a typo by changing the reference from a “new maintenance agreement,” to a “new access agreement.” 49.15.434 relates to privately maintained access roads. An agreement to maintain the road is contained in the access agreement; there isn’t a separate “maintenance agreement” contemplated.



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

DATE: July 23, 2015

TO: Assembly Committee of the Whole

FROM: Laura A. Boyce, AICP, Planner *Laura A. Boyce*
 Community Development Department

SUBJECT: Consideration of shared access driveways/private roads in easements.

The proposed subdivision ordinance does not include the option for shared access driveways or private roads in private easements for subdivisions. The current subdivision draft does include an option for privately maintained access roads in public rights-of-way for subdivisions generating 250 average daily trips (ADT) or fewer. The Community Development Department's practice has been to approve, in some cases, subdivisions that share access through a driveway in a private easement when practical access directly from the lot is not feasible, due to topography for instance, or when access points to the street are required to be consolidated, by the CBJ or DOT&PF, for example. If this practice to approve subdivisions that share driveways in private easements is to continue, the proposed subdivision ordinance will need to be amended to provide this additional access option.

Background

Recently, a proposed subdivision along North Douglas Highway highlighted the fact that some subdivisions are approved when the physical access to the proposed lots is from a shared driveway easement rather than by a dedicated and constructed street. These subdivisions meet the requirement for lots to provide a minimum of 30 feet of frontage on a dedicated right-of-way, but instead of each lot directly accessing the dedicated right-of-way, access is through a shared easement to that right-of-way. The figure below illustrates a subdivision in which all lots share a common driveway in a private easement (Figure 1).

The requirement for lots fronting onto maintained rights-of-way exists for public safety purposes; safe and continued access to properties is of paramount importance for ambulance, fire, and police access. Current Title 49 subdivision requirements include that each lot must be designed to provide a minimum of 30 feet of frontage on a dedicated right-of-way and that each lot must abut and be physically accessed from a street. The Community Development Department's practice has been to consider and sometimes approve subdivisions when practical access can't be met from the proposed lots. While the minimum frontage

Assembly Committee of the Whole Meeting
July 23, 2015
Page 2 of 4

requirements on a dedicated right-of-way are met for the proposed lots, and the lots abut a street, the physical access *from* the lots *to* the street might be *through* an easement. In some subdivision cases, the “practical access” to the maintained right-of-way is not the most direct access. While the lot design requirement for frontage on a dedicated right-of-way may be met with a proposed subdivision, direct access from those lots to the right-of-way may not be practical, such as due to topography. The practical access to the right-of-way may be through a shared easement instead.

FIGURE 1 – ATWATER ESTATES ON DOUGLAS HIGHWAY

Access is from Douglas Highway through a shared driveway easement on adjacent property to the four common wall dwelling units and to single-family lots beyond



CBJ staff met with the Subdivision Review Committee (SRC) on Wednesday, July 22, 2015, in order to discuss shared access driveways and solicit input as to whether this subdivision option should be continued. Three of the five SRC members attended the meeting, with one of the absent members sending in his comments prior to the meeting. A representative from DOT&PF attended, as well as CBJ staff from the Manager's office, CDD, and the Law Department.

Assembly Committee of the Whole Meeting

July 23, 2015

Page 3 of 4

The Subdivision Review Committee members unanimously agreed that this subdivision option should be continued. They believe this is an opportunity to provide additional development options for parcels that may not be able to be subdivided otherwise. Also, in these cases, many times the public welfare is better served by providing an alternate access. While direct and practical access from each lot to a dedicated street is ideal, due to site constraints, such as topography or limited access points to the roadway, it may not be practical. Practical access to subdivided lots can be achieved through shared driveways in private easements while also ensuring that the public's health, safety, and welfare are protected. The SRC would like to see this practice continued, but with limitations. Their suggested limitations include the following:

- Shared driveways in private easements are only available for residential subdivisions;
- The subdivision can generate no more than 70 ADT which is approximately four lots assuming one single-family lot with one accessory apartment for each lot;
- The subdivision cannot create a landlocked parcel;
- If there is foreseeable future development beyond the proposed subdivision, as determined by the director, this option isn't available;
- Lots won't be required to provide frontage on a dedicated right-of-way;
- The driveway grade cannot exceed 15%;
- The CBJ must consider the driveway safe for access;
- An owner's association must provide for continued maintenance of the driveway;
- The minimum width of the driveway is 20 feet or as determined by the Fire Department; and
- The width of the easement should be 50 feet, but can be reduced by 20 feet when approved by the Director;

For these smaller subdivisions, dedicating right-of-way and constructing a street isn't financially feasible and the SRC felt that unless a "relief valve" such as this shared driveway easement option is made available, subdivision would not occur on these smaller properties and additional housing wouldn't be provided. With the rezoning to higher density zone districts occurring as water and sewer have been extended, utilization of those services won't be realized as planned unless additional subdivision options are available. The topography of many remaining vacant properties makes it difficult to construct a connecting street system, shared parking area easements and stairways to properties might be the most practical access for some of these lots. The SRC believes that the health, safety, and welfare of the owners of those lots could be assured with this access option. They cited many examples where shared driveways already work.

Conclusion

Allowing these types of subdivisions with access through shared driveway access easements in certain instances has been common practice. Available "flat" land is scarce and the remaining

Assembly Committee of the Whole Meeting

July 23, 2015

Page 4 of 4

properties that can be developed have topographical issues or other constraints that make development less practical. Furthermore, DOT&PF has been restricting driveway access onto other streets as average daily trips increases. Do we want to continue the practice of allowing alternate subdivision scenarios that are practical for that site? If so, the current subdivision ordinance draft needs to be amended to include the option of subdivision through shared driveway easements. In the proposed ordinance, other than for panhandle subdivisions, right-of-way must be dedicated and streets constructed (whether privately maintained or built to CBJ standards) for subdivision to occur when the right-of-way can't be physically accessed from the proposed lots.

For reference, below is a partial list of subdivisions that have been approved with shared access instead of dedication and construction of a street. Examples include:

- Thane Landing – 7 waterfront lots at the end of Thane Road that share a common driveway. (Plat. No. 96-99)
- Atwater Estates – Four common wall lots accessed through a shared easement on the adjacent property. (Plat No. 2007-63)
- Glacier's Edge Subdivision – 3 total lots sharing an access easement (two bungalow lots and one regular lot). (Plat No. 2014-28).
- Auke Lake Ridge Subdivision – 6 residential lots sharing a 60 foot shared access, utilities, and drainage easement. (Plat No. 2013-29)
- Ferry Heights Subdivision No. 3 – 5 residential lots sharing access from Glacier Highway. (Plat No. 2013-29)
- Mansfield Crossing Subdivision – 5 residential lots, 3 of the lots share an access driveway, and the other two share one as well. (Plat No. 2010-34)
- Point Lena View Subdivision No. 4 – A four-lot subdivision, three of the lots share a driveway from Island View Drive. (Plat No. 2010-11)
- Belleview Subdivision – Common wall lots accessed through an easement on the adjacent property. (Plat No. 97-64) (Plat No. 99-42)
- Andsoh Subdivision – 9 total lots, 8 of which are accessed through shared easements. All lots provide the minimum amount of frontage on a maintained street. (Plat No. 2015-04).
- Forest Edge Condos – a 32-unit condo development (not a subdivision) that the entire development is accessed through another property
- North Douglas PUD – the entire 12-unit development is accessed through another property. A two-lot subdivision created the PUD parcel as well as the adjacent parcel through which the PUD has access to North Douglas Highway.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

To: Assembly Committee of the Whole

From: Laura A. Boyce, AICP, Senior Planner *Laura A Boyce*
Community Development Department

Date: June 12, 2015

Re: Proposed Ordinance No. 2015-03 – Title 49 Proposed Subdivision Changes

The Community Development Department (CDD) has been working on proposed revisions to Title 49 regarding subdivisions. The resulting changes will make the subdivision process and requirements easier to follow, as well as update outdated and sometimes conflicting sections of Code. Generally, the proposed changes include increasing the number of lots in minor subdivisions; including a right-of-way acquisition plat process; clarifying the processes for minor and major subdivisions; changing less complex subdivisions to be director approval, such as lot consolidations and right-of-way acquisitions; clearly integrating the construction plan requirement into the subdivision process; and updating street standard requirements. There are policy implications that should be considered along with the proposed regulations. The major changes and policy considerations are discussed below.

Minor Subdivisions (1 to 13 lots)

If minor subdivisions are increased from the current threshold of four lots to the proposed thirteen lots, this allows more subdivisions to be approved by the CDD Director. This proposed change is intended to streamline the process as two public hearings will no longer be required. The Director's decision is appealable to the Planning Commission. Additionally, a new type of public notice will be required for Minor Subdivisions; currently, notice is not given when Minor Subdivisions occur.

Public Notice Requirements

The public notice requirements are expanded and revised to reasonably inform the interested public about upcoming public hearings, as well as solicit input regarding proposed projects. Currently, Minor Subdivisions have no public notice requirement; subdivisions creating up to four lots can be platted without notice. The proposed changes include providing notice to abutting neighbors. The proposed changes also give the director discretion to require additional signs and to specify where signs are to be placed for best notification results. Subdivisions resulting in five to thirteen lots will require less notification with the proposed changes than is currently required. The following chart illustrates the changes from the current to the proposed public notice requirements for minor and major subdivisions.

# of Lots	1-4	5-13	14+
Current public notification requirement (type of subdivision)	None (Minor Subdivision requirement)	500 feet (major subdivision requirement)	500 feet (major subdivision requirement)
Proposed public notice requirement (type of subdivision)	Adjacent owners only (minor subdivision requirement)	Adjacent owners only (proposed Minor Subdivision requirement)	500 feet (proposed major subdivision requirement)
Resulting Change	More notice	Less notice	Same notice

Other changes regarding public notice include any permit necessitating a public hearing will be required to send notice to registered neighborhood associations listed with the Clerk's office, in addition to the already required neighbors that are within 500 feet of the subject property. Also, the cost of mailing will be incurred by the applicant, instead of by the department.

Major Subdivision criteria

The criteria, or findings, for approval of major subdivisions will be modified. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. Currently, the criteria for approval of Major Subdivisions are the same as those used for approval of a Conditional Use permits by the Planning Commission. For example, one of the existing criteria that must be considered for approval of a Conditional Use permit is:

"Will substantially decrease the value of or be out of harmony with property in the neighboring area..."

The proposed changes would eliminate this criterion, as well as others. This is an important policy change based on the following premise: a subdivision is a use of land that is presumed to be compatible with surrounding development when developed to its zoning standards, rather than the subdivision treated as a *use of land* that may or may not be appropriate for the neighborhood. The reason to treat subdivisions as compatible uses is that all lots in a new subdivision must meet the standards for the zone district in which it is located and any future use of these lots must comply with the existing zone district. These proposed changes to the criteria do not preclude the Planning Commission from placing conditions on the plat approval.

The Table of Dimensional Standards already addresses the situation in which one zone district abuts a different zone district. For instance, if a D-18 zone district (residential multi-family district, 18 dwelling units per acre) abuts a D-5 zone district (residential single-family, 5 dwelling units per acre), the Code requires that the greater yard setback also apply to the abutting property. In this instance, the D-18 zone district requires a minimum of 10 feet for a rear yard setback; the D-5 district requires a minimum of 20 feet of rear yard setback. The greater yard setback of 20 feet would apply to both properties creating a wider buffer between the different development densities. The Table of Dimensional Standards provides the minimum standards for development in zone districts; the Commission or the Director may require greater standards than those listed in certain instances.

Appeals

The proposed changes shift more decisions to the Director from the Commission, such as the approval of Minor Subdivisions up to 13 lots and for approval of private access roads in-rights-of-ways. When the Director makes a final decision on a permit, a person can appeal that decision to the Planning Commission pursuant to CBJ 49.20.110. Planning Commission decisions are also appealable to the Assembly. Potentially, more appeal cases stemming from Director's decisions may come to the Planning Commission based on these proposed changes.

Public use lots

For proposed lots that will serve the public, such as for open space, parks, public or private utilities, or conservation lots, the Director or the Commission may waive design, access, and utility requirements. Currently, conservation lots are the only lot type that may be approved that do not have to meet design, access, or utility requirements; conservation lots may only be created if they are within or adjacent to the Mendenhall State Wetlands Game Refuge. The proposed change would remove that restriction and allow conservation lots, as well as other types of public use lots, to be created anywhere, expanding their applicability. Conservation lots are defined in the proposed Code as lots where building development is permanently prohibited and are intended to preserve open space, environmentally sensitive areas, scenic views, wetlands, and buffers. By allowing conservation lots to be created anywhere in the CBJ instead of limited to the Mendenhall State Wetlands Game Refuge, this allows the opportunity for more preservation of other sensitive areas, though it also means that more properties may be removed from the tax base.

Right-of-way Acquisition Plats

Currently, the Code does not address the unique situation concerning right-of-way acquisitions and the resulting subdivisions that occur from changes to the lots. This addition to the Code will provide an orderly process to assist the CBJ and the State with right-of-way acquisitions by tailoring the platting requirements to facilitate construction of right-of-way. In most cases, these will be processed as Minor Subdivisions with approval by the Director; however, if the acquisition will create a substandard lot, then the Planning Commission will review the subdivision.

Public notice will be sent to abutting property owners, but by limiting these types of divisions of land to Minor Subdivisions no matter the number of lots affected, it potentially takes more people out of the process (less public notice, no hearing). Also, the proposed changes require less platting requirements than are available to the public. While allowing a quicker process for public projects that are supposed to make improvements for the overall good of the community. It is a balance between the overall public good versus the effects on the immediate property owners and those in the vicinity.

Street construction standards

CBJ street construction standards have changed over the years. The last significant change to the street construction standards was in 2002. In an effort to increase housing affordability by lessening the cost of construction, the Local Access Street option was added to the Code. Prior to the 2002 amendment, the local road standard was a 28-foot wide paved roadway requiring curb and gutter, but not sidewalks. The Local Access Street was added that reduced the street construction standard to a 26-foot wide travel way with 22 feet of pavement, ditches instead of curb and gutter, streetlights, and a sidewalk on one side of the street. This type of street could be built within the Urban Service Boundary in the RR (Rural Reserve), D-1 (single family residential, 1 dwelling unit per acre), and D-3 (single family residential, 3 dwelling units per acre) zone districts when the development would serve no more than 50 dwelling units. Local and collector streets outside of the Urban Service Boundary were also amended to allow gravel roads, at 24 feet and 28 feet respectively. This 2002 Title 49 amendment also included the requirement for paved sidewalks on both sides of the street in new subdivisions within the Urban Service Boundary, except for Local Access Streets.

The requirement for sidewalks on both sides of the street for new subdivisions supported a priority recommendation from the 2001 Area Wide Transportation Plan (AWTP) that calls for sidewalks in all new subdivisions. The Area Wide Transportation Plan also includes a priority solution to *“pave remaining unpaved streets to decrease negative air quality impacts and improve circulation.”* (Priority Solution No. 12). The 2002 street construction amendment resulted in furthering the sidewalk priority from the AWTP, but it provided more opportunities for gravel roads to be constructed.

The current street construction standards include the standards discussed above. Additionally, waivers for such construction improvements as curb and gutter may be approved by the Planning Commission. The following chart illustrates the current street construction requirements in Title 49, the Land Use Code. As shown below, different standards exist for subdivisions within and outside the Urban Service Boundary.

CURRENT TITLE 49 STREET CONSTRUCTION STANDARDS

	Right-of-way width	Roadway width	Paved/gravel	Curbs**	Gutters**	Streetlights	Sidewalks**	Storm drainage system
Arterials – within and outside the Urban Service Boundary	100' for primary; 80' for secondary	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*
Collectors – within Urban Service Boundary	60'	32'	Paved	Yes	Yes	Yes	Both sides	Yes
Typical street – within Urban Service Boundary	50'	28'	Paved***	Yes	Yes	Yes	Both sides	Yes
Local Access street – RR, D1, or D3 zone districts only – cannot exceed 600 feet in length and cannot serve more than 50 dwelling units – within Urban Service Boundary	60'	26'	22' of pavement***	No	No	Yes	One side	Yes
Collectors – Outside Urban Service Boundary	60'	32'	Gravel	No	No	No	No	No
Other streets – Outside Urban Service Boundary	60'	28'; 24' if maximum traffic is less than 250 ADT	Gravel	No	No	No	No	No

*Developer is not responsible for construction of arterial streets

**The commission can consider waivers to these requirements in certain instances upon a determination from the CBJ engineer

***Pavement may be waived in certain instances by the Commission for subdivisions of four or fewer lots

In the proposed changes, the type of road construction required will be based upon average daily trips generated from the proposed subdivision and is shown in a new table, *Table of Roadway Construction Standards*, in Chapter 35. The proposed standards are based solely on average daily trips (ADT) from expected development. This is a change from the current Code that allows reduced standards using varied criteria, such as the amount of units being served, the location of the subdivision in or outside the Urban Service Boundary, and

ADT in some cases. Options for access within subdivisions are proposed for Minor Subdivisions. For subdivisions that will result in 13 units or less, with no more than 250 average daily trips (ADT) per day, there is the option to construct a publicly-maintained paved road or a privately-maintained gravel access road in public right-of-way.

The following chart illustrates the proposed street construction requirements:

TABLE 49.35.240 TABLE OF ROADWAY CONSTRUCTION STANDARDS

Average Daily Trips (ADT)	Adopted Traffic Impact Analysis Required	Sidewalks	Travel Way Width	Street Lights	Right-of-way width **	Paved Roadway Required	Publicly maintained
≥ 500	Yes	Both sides	26 ft.	Continuous	60 ft.	Yes	Yes
251 – 499	Maybe	One side	24 ft.	At all intersections	60 ft.	Yes	Yes
0 to 250	No	Not required	22 ft.	At Intersection of subdivision streets and external street system	60 ft.	Yes	Yes
0 to 250	No	Not required	20 ft. *	At Intersection of subdivision streets and external street system	60 ft.	No ***	No ****

* Or as required by the Fire Code at CBJ 19.10

** Right-of-way width may be reduced

*** Paving of roadway is required for any street within the PM-10 Non-Attainment Area

**** This option requires approval by the Director for a Private Access Road in the Public Right-of-way

The requirements for street lighting are also reduced in the proposed ordinance for smaller subdivisions to only require lighting at intersections. Currently, the street lighting standards (Standard 118) require street lights at intersections with spacing between lights not to exceed 250 feet. However, the spacing of lights depends upon such considerations as traffic speed, traffic volume, bulb wattage and location of lights, such as near a school zone.

Regarding the option for a privately-maintained gravel road, gravel roads are not allowed in the PM10 Management Area, which generally covers the Mendenhall Valley. The Environmental Protection Agency declared the Mendenhall Valley a non-particulate matter attainment area due to air quality exceedances, in accordance with the Federal Clean Air Act, and there is a non-attainment area plan in place. Gravel roads would increase the particulate matter, and in conformance with that plan, would not be allowed in this area.

The following charts illustrate two examples comparing the current and proposed street standards for a four-lot subdivision and a 17-lot subdivision.

**Comparison of Current Street Standards to Proposed Street Standards –
Four Lot Residential Subdivision**

	Traffic Impact Analysis Required	Sidewalks Required	ROW Width	Travel Way Width	Pavement Required	Street Lights
Current Code – Within Urban Service Boundary						
Typical Street	No	Both sides	50 ft.	28 ft.	Yes	Yes
Local Access Street (RR, D1, D3 only; 600 ft. limit; serve no more than 50 dus)	No	One side	60 ft.	26 ft. travel way width with 22 ft. of pavement	Yes	Yes
Current Code – Outside the Urban Service Boundary						
Other streets	No	No	60 ft.	28 ft. (24 ft. is maximum traffic is less than 250 ADT)	No	No
Proposed Code						
0 to 250 ADT – Publicly Maintained	No	No	60 ft.**	22 ft.	Yes	At intersections
0 to 250 ADT – Privately Maintained	No	No	60 ft. **	20 ft. ***	No	At intersections

* Waiver requests can be made to the Commission to reduce the standard

** May be reduced up to 25 feet with approval from director with certain findings

*** Or as required by the Fire Code at CBJ 19.10

**Comparison of Current Street Standards to Proposed Street Standards –
Seventeen Lot Residential Subdivision (proposed ADT of 325*)**

	Traffic Impact Analysis Required	Sidewalks Required	ROW Width	Travel Way Width	Pavement Required	Street Lights
Current Code – Within Urban Service Boundary						
Typical Street	Director's Discretion	Both sides**	60 ft.***	28 ft.	Yes	Yes
Current Code – Outside the Urban Service Boundary						
Other streets	Director's Discretion	No	60 ft.	28 ft.	No	No
Proposed Code						
251 – 499 ADT – Publicly Maintained	Director's Discretion	One side	60 ft.****	24 ft.	Yes	At all intersections

*The ADT is based on the assumption that each single-family home is allowed one accessory apartment by right. The 7th Edition of the ITE Trip Generation manual was used to determine ADT. Single-family residences have 9.57 ADT per dwelling unit. This was used for both the main dwelling unit and the accessory apartment since the definition was the best fit for the types of dwellings.

**Waiver requests can be made to the Commission to reduce the standard

***The right-of-way may be reduced to 50 feet if paving, curb, gutter, underground drainage, and sidewalks on both sides are provided.

****May be reduced up to 25 feet with approval from director with certain findings

Privately maintained access road in public rights-of-way

The option to create a privately maintained access road in a public right-of-way (20-feet wide or as required by Fire Code) enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. While this might enable home buyers to initially purchase these homes, they might not be able to pay for the road upgrade in the future when it is needed and thus, may seek assistance from the CBJ by requesting a Local Improvement District or a Capital Improvements Project for improvements. If the CBJ takes over maintenance of the road in the future for whatever reason, the maintenance costs for gravel roads are higher than paved roads.

This concept is an extension of the Driveway in the Public Right-of-Way permit currently available in Title 49. Numerous rights-of-way were platted previously, but never built. In order to gain access to the subdivided lots from these unbuilt and unimproved rights-of-way, the CBJ can approve a driveway in the public right-of-way so that access to the lot may be gained. This permit is only available to existing subdivisions with unimproved rights-of-way; new subdivisions are not allowed this option. Lots that have these permits are limited to further subdivision unless the road is improved to current street standards, usually by the person requesting the subdivision; the Code does not specify who pays for the improvement. The Code specifies that lot owners must agree to indemnify the CBJ from liability, maintain the driveway, keep the access clear from obstructions, allow the public access, and other requirements as listed in Title 49. This agreement is recorded for each lot in the subdivision. The Director can allow driveways for up to four lots and the Commission can approve five or more.

The proposed privately maintained access road in the public right-of-way option expands this concept and allows it for new Minor Subdivisions that will not generate more than 250 ADT. All lot owners in the subdivision using this option will be required to sign an Access Agreement that is recorded for each lot. The agreement includes the provisions generally that are in the current agreements, but also states that the lot owners are required to pay for the street upgrades when existing or proposed development exceeds 250 ADT; any development that increases the average daily trips above 250 shall pay a proportionate share of the costs of the improvement which will offset the costs imposed on the existing owners. An owner's association must be in place in order to fulfill the terms of the agreement as well as to obtain liability insurance related to the privately maintained access road. The agreement required with the proposed privately maintained access road option provides more conditions that are intended to keep the maintenance of the road and upgrades of it in the hands of the lot owners. While both the current Code and the proposed Code allow for gravel roads for smaller developments, it is a policy decision whether the CBJ wants to expand this concept and allow more gravel "private" roads.

Remote subdivisions

Title 49 currently allows subdivisions that can be accessed by navigable water. These subdivisions are designed like traditional subdivisions except that the access requirement (a minimum of 30 feet of frontage on a maintained right-of-way) is met by a navigable water body instead of a right-of-way; each lot in a remote subdivision provides accessibility to the water for access as well as provides right-of-way between the water lots and upland lots. The Planning Commission can waive the right-of-way construction and potable water requirements for these subdivisions. These subdivisions accessed by navigable water are located outside of the Fire Service Area and the Roaded Service Area. The expectation by remote property owners to receive CBJ services, such as fire, emergency, and police protection, is lessened, as well as CBJ maintenance of rights-of-way or other services.

The current Code does not address remote subdivisions that can be accessed from a road, or rather, that can be accessed by a vehicle. Because of the possibility that owners in a remote subdivision that can be accessed from the road system may have a greater expectation of CBJ services, placing limitations to the type and distance of access were important in order to emulate the remote subdivisions accessed by navigable water. The proposed changes to the remote subdivision requirements will allow subdivision when the property is accessed solely by

navigable water or a pioneer path. A pioneer path is defined as one that is limited to 48 inches in width and is designed and constructed to prevent a registered vehicle, or one that is required to be registered, from traveling on the path. Additionally, the property for remote subdivisions must be located at least one-half mile outside of the Roaded Service Area. This minimum of a half-mile distance is intended to provide enough distance between the road system and the development to make access remote in a manner that services will not be expected and also provides the remoteness sought after for this type of development. The distance also leaves enough area for the road system to expand in the future if needed. If the road system does expand towards a remote subdivision, the requirement for 60 feet of right-of-way within the subdivision, as well as to the subdivision, is needed for future holdings. However, access to and within the subdivision will be limited to a pioneer path within this right-of-way. These proposed changes meet the intent of remote subdivisions.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-03(b)

An Ordinance Amending the Land Use Code.

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 49.10.130, Meetings, is amended to read:

49.10.130 Meetings.

- (a) Regular meetings shall be held on the second and fourth Tuesday of each month.
- (b) Special meetings may be called by the chair or any three members of the commission. Public notice of special meetings shall be made 24 hours in advance and shall be supplied to the local news media and posted on the municipal bulletin board. Commission members will be notified by the department.
- (c) Public notice for all permits and other land use ordinance actions shall be according to the requirements established for such actions.
- (d) Meetings shall be conducted under Robert's Rules of Order ~~Mason's Manual~~, as modified by the commission.
- (e) The commission may, by motion, establish its own rules of procedure and committees, meeting times, dates and places, media for public notice, development application ~~and evidentiary~~ forms, referral and review agencies and procedures, and any other matter reasonably necessary or desirable for the full and complete conduct of its duties pursuant to this title and any other provision of law.

Section 3. Amendment of Section. CBJ 49.10.770, Meetings, is amended to read:

49.10.770 Meetings.

(a) *Regular meetings.* The wetlands review board shall hold one regular meeting each month as necessary to conduct board business. ~~and shall hold additional regular meetings as the board may prescribe by resolution.~~

(b) *Special meetings.* The wetlands review board may hold special meetings upon the call of the chair or any two members. At least 24 hours before the meeting, personal notice shall be given to each board member designating the time, place, and purpose of the special meeting, or written notice shall be left at each member's usual place of residence. At least 24 hours before the meeting, copies of the notice shall also be delivered to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality. ~~No business may be transacted at any special meeting except as stated in the notice of the meeting. All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act.~~

(c) *Public notice.* No business may be transacted at any special meeting except as stated in the notice of the meeting. All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act.

Section 4. Amendment of Section. CBJ 49.10.790, Rules of Procedure, is amended to read:

49.10.790 Rules of Procedure.

Meetings shall be conducted under Robert's Rules of Order ~~Mason's Manual~~ and such additions or amendments to the rules as may be adopted by the wetlands review board.

Section 5. Amendment of Article. Chapter 49.15, Article I In General, is amended by adding a new section to read:

49.15.150 Application cancellation and withdrawal.

(a) A permit application may be cancelled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, or additional information within 180 days of the date of the request. The director may extend the response period up to an

additional 180 days. If an application is cancelled due to inactivity, the application fee shall be forfeited.

(b) For an application filed prior to the effective date of this ordinance, the director shall assess the status of the application. If the director determines the application is incomplete, the applicant shall be informed in writing of the additional information needed and that the application will be cancelled for inactivity if the applicant fails to provide the requested information within 180 days from the date of notice. The director shall not extend the response period beyond the initial 180 days from the date of notice.

(c) A development permit shall become void, and the application fee forfeited, 18 months after its effective date if no associated building permit, right-of-way permit or similar permit for construction has been issued and substantial construction progress pursuant thereto made, or if no plat has been issued in accordance with the plans for which the development permit was authorized. A development permit shall become void if all building permits issued for the development expire or become void.

(d) An applicant or property owner may withdraw a permit application at any time. If an application is withdrawn less than seven days before the public hearing on the application, the application fee shall be forfeited.

Section 6. Amendment of Section. CBJ 49.15.230, Public notice, is amended to read:

49.15.230 Public notice.

The purpose of the following public notice requirements is to reasonably inform interested parties that an application or matter is scheduled to be considered by the planning commission at a specific date, time, and place. The public notice must generally describe the application or matter. Unless otherwise provided, public ~~Public~~ notice of planning commission consideration of development permits and rezonings shall be provided as follows:

(1) Permit consideration shall be included as an item in the posted agenda.

(2) Notice of the commission meeting, and the agenda item shall be published in a newspaper of general circulation in the City and Borough a minimum of ten days prior to the date of the meeting.

(3) The developer shall post a sign ~~at~~ on the site or other location approved by the director at least 14 days prior to the meeting. If the proposed development is on the road system, the ~~The~~ sign shall be visible from a public right-of-way. Signs shall be between four square feet and 32 square feet in area, shall have a red background, and shall indicate in white lettering, 216-point font or larger, that a development

1
2
3 permit or rezoning, as applicable, has been sought for the site, the date of the
4 hearing ~~thereon~~, and that further information is available from the director. The
5 developer shall maintain the sign and shall remove it within 14 days after final
6 action on the application.

7 (4) The director shall mail notice of the application and the public hearing initial
8 meeting thereon to the owners of record of all property and all neighborhood
9 associations listed with the municipal clerk in accordance with CBJ 11.35 located
10 within 500 feet of the property subject to the permit or rezoning. The actual cost of
11 mailing shall be paid by the applicant.

12 (5) The applicant shall deliver individual written notice by certified mail, return
13 receipt requested of the application and the initial meeting thereon to each
14 tenant of any multifamily residential development for which the application seeks a
15 change in use.

16 (6) The director may require more than one sign and may mail notice to
17 additional owners of record of properties beyond 500 feet of the property under
18 section (4) upon a determination that such expanded notice is required in order to
19 provide reasonable public notice.

20 (7) The director may conduct one or more neighborhood meetings prior to the
21 commission meeting. The purpose of a neighborhood meeting is to make application
22 materials available to interested parties, to solicit input regarding an application,
23 and for the department to describe the application review process.

24 **Section 7. Repeal of Section.** CBJ 49.15.240 Development permit expiration, is
25 repealed and reserved.

Section 8. Amendment of Section. CBJ 49.15.239, Effective date, is repealed
and reenacted to read:

49.15.239 Effective date.

(a) Major development permits and other planning commission decisions are effective on
the date the notice of decision is filed with the municipal clerk.

(b) Minor development permits and other director approvals are effective on the date the
director signs the permit.

Section 9. Amendment of Section. CBJ 49.15.330, Conditional use permit, is amended to read:

49.15.330 Conditional use permit.

(a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied. ~~The procedures and standards established in this section shall also be applied to major subdivision preliminary plat approval pursuant to section 49.15.430.~~

...

(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:

...

(4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.

Section 10. Repeal and Reenactment of Article. CBJ 49.15, Article IV Minor and Major Subdivisions, is repealed in its entirety and reenacted to read:

Article IV. Subdivisions

Division 1. Permits

49.15.400 Purpose and applicability.
49.15.401 Minor subdivisions.
49.15.402 Major subdivisions.
49.15.403 Lot consolidations.
49.15.404 Public way vacations.

Division 2. Plat Requirements

49.15.410 Sketch plat.
49.15.411 Preliminary plat requirements.

- 49.15.412 Final plat requirements.
- 49.15.413 Plat expiration.
- 49.15.414 Plat effective date.
- 49.15.415 Recorded plats legalized.

Division 3. Design

- 49.15.420 Lots.
- 49.15.421 Cul-de-sac lots.
- 49.15.422 Public use lots.
- 49.15.423 Panhandle lots.
- 49.15.424 Access.

Division 4. Privately Maintained Access in Rights-of-Way

- 49.15.430 Purpose.
- 49.15.431 Application.
- 49.15.432 Department action.
- 49.15.433 Design criteria.
- 49.15.434 Access agreement.
- 49.15.435 Other requirements.

Division 5. Remote Subdivisions

- 49.15.440 Remote subdivisions.
- 49.15.441 Applicability.
- 49.15.442 Improvement standards.

Division 6. Survey and Monumentation Standards

- 41.15.450 Licensed surveyor required.
- 49.15.451 Boundary lines – basis of bearing.
- 49.15.451 Accuracy of survey.
- 49.15.453 Monumentation.

Division 1. Permits

49.15.400 Purpose and applicability.

(a) The purpose of this article is to facilitate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the CBJ in accordance with The Comprehensive Plan of the City and Borough of Juneau, Alaska. To meet this objective, this article is intended to:

- (1) Establish a process that facilitates the fair and predictable division of land;

- (2) Encourage the efficient and cost-effective provision of public services;
 - (3) Address traffic and circulation to reduce congestion;
 - (4) Provide for flexibility in the division and establishment of residential and commercial lots;
 - (5) Establish procedures for subdividing land to accommodate a variety of housing types; and
 - (6) Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance.
- (b) This article shall apply to any division or redivision of real property within the City and Borough. This article shall not apply to cemetery plots or land leases.

49.15.401 Minor subdivisions.

- (a) A minor subdivision permit is required for the following:

(1) *Thirteen or fewer lots.* A minor subdivision permit is required for all subdivisions resulting in thirteen or fewer lots. No minor subdivision application may be filed or approved:

(A) If it is a part of or is made in connection with a present or projected major subdivision development as determined by the director;

(B) If the property is within a parcel any part of which has been subdivided by a minor subdivision within the preceding 24 months, unless the proposed subdivision creates no new lots; or

(C) For the subdivision of a parcel any part of which is within a landslide or avalanche area identified as such in the comprehensive plan, attachments thereto, other adopted maps, or in accordance with CBJ 49.70.300.

(2) *Accretion surveys.* The minor subdivision process shall be used for the review and recording of accretion surveys, regardless of the number of lots affected.

(3) *Conservation lot subdivisions.* The minor subdivision process shall be used for the review and recording of conservation lot subdivisions, regardless of the number of lots affected.

(4) *Lot line adjustments.* The minor subdivision process shall be used to review adjustments to any number of lot boundary lines if the subdivision does not result in an increase in the number of lots.

(5) *Right-of-way acquisition plats.* The minor subdivision process shall be used for the review and recording of right-of-way acquisition plats filed by an agency of government regardless of the number of lots affected, in accordance with CBJ 49.15.590 unless such acquisition creates any nonconforming lot, use, or structure.

(b) *Pre-application conference.* A pre-application conference is required prior to submitting an application for a minor subdivision. A sketch plat may be required at the director's discretion.

(c) *Preliminary plat.* The director shall be responsible for review and approval of the application for a preliminary plat.

(1) An applicant for a preliminary plat shall submit an application on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.

(2) The department shall send written notice of the application to the owners of abutting property following the director's determination that the application is complete. The actual cost of mailing shall be paid by the applicant.

(3) The director or applicant may request review by the subdivision review committee.

(4) *Review and approval.* The director shall approve the application if the following criteria are met:

(A) The preliminary plat complies with CBJ 49.15.411;

(B) The applicable subdivision development standards of this title are met, or can reasonably be met with conditions;

(C) The proposed subdivision will provide building sites suitable for the zoning district;

(D) The proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable; and

(E) The director of engineering and public works has reviewed the application and determined that:

(i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;

(ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate,

connect with streets and pedestrian ways serving adjacent properties;

(iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and

(iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

(5) The director will issue and sign a notice of decision listing any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

(d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ 49.35.140.

(e) *Survey and monumentation.* Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, Article IV, Division 6.

(f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The director may place conditions upon the granting of final plat approval as are necessary to preserve the public welfare. The application shall be approved if the following criteria are met:

(1) The applicant has complied with any conditions or plat notes required by the director in the notice of decision approving the preliminary plat;

(2) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and

(3) The final plat meets the criteria set forth in CBJ 49.15.412.

(g) *Plat recording.*

(1) The director shall sign the plat upon a determination that the final plat meets all of the requirements of this title, that all plat certificates have been signed and notarized, and that all required documents have been submitted for recording with the final plat in accordance with CBJ 49.15.412.

(2) The department shall file the original plat, at the applicant's expense, with the State Recorder's Office at Juneau.

49.15.402 Major subdivisions.

(a) A major subdivision permit is required for subdivisions resulting in fourteen or more lots.

(b) *Pre-application conference and sketch plat.* A pre-application conference and sketch plat (CBJ 49.15.410) is required prior to submitting an application for a major subdivision.

(c) *Preliminary plat.* The commission shall be responsible for approval of the preliminary plat.

(1) Application for a preliminary plat shall be on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.

(2) Public notice of the application shall be provided pursuant to CBJ 49.15.230.

(3) The director or applicant may request review by the subdivision review committee.

(4) The director shall prepare and submit a report to the commission noting any conditions of approval or plat notes recommended and addressing the following criteria:

(A) Whether the preliminary plat complies with CBJ 49.15.411;

(B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions;

(C) Whether the proposed subdivision will provide building sites suitable for the zoning district;

(D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable;

(E) Whether the director of engineering and public works has reviewed the application and determined that:

(i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;

(ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;

(iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and

(iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

(5) In issuing its notice of decision on a preliminary plat, the commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

(d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ 49.35.140.

(e) *Survey and monumentation.* Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, Article IV, Division 6.

(f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The final plat shall meet the standards set forth in CBJ 49.15.412.

(1) Once the application is deemed complete, the director shall schedule the final plat for commission action. If commission action on the final plat will occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.

(2) The director shall prepare and submit a report to the commission that addresses compliance of the final plat with this title and the criteria for final plat approval, and that specifies any conditions of approval or plat notes recommended by the director.

(3) The commission may place conditions upon the granting of final plat commission as are necessary to preserve the public welfare. The commission shall approve the application for a final plat if the following criteria are met:

(A) The applicant has complied with any conditions or plat notes required in the notice of decision approving the preliminary plat;

(B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and

(C) The final plat meets the standards set forth in CBJ 49.15.412.

(g) *Plat recording.*

(1) The chair of the commission shall sign the plat upon a determination that the final plat meets all of the requirements of this title, that all plat certificates have been signed and notarized, and that all required documents have been submitted for recording with the final plat in accordance with CBJ 49.15.412.

(2) The department shall file the original plat, at the applicant's expense, with the State Recorder's Office at Juneau.

49.15.403 Lot consolidations.

(a) An application for the consolidation of two or more abutting lots shall be submitted on a form provided by the department along with the application fee. Unless waived by the director, an applicant must also submit a plat prepared by a professional land surveyor licensed to practice in Alaska. If the director determines that a plat is not required, the applicant shall submit a drawing, satisfactory to the director, indicating all existing and proposed lot lines. If a plat is required, the minor subdivision process shall apply.

(b) An application shall be approved if the following criteria are met:

(1) All lots proposed for consolidation are under common ownership;

(2) CDD receives certification from the CBJ Treasurer that all real property taxes and special assessments levied against the property have been paid in full, or, if the certificate is sought between January 1 and the date of levy, that there is on deposit with the Treasurer an amount sufficient to pay estimated real property tax for the current year. Special assessments levied against a parcel to be subdivided must be paid in full prior to issuance of the certificate;

(3) The lots are located in the same zoning district;

(4) Consolidation of the lots will not create a zoning or building code violation; and

(5) The director of engineering and public works has reviewed and approved the lot consolidation proposal for conformity with the requirements of this title.

(c) The director will issue and sign a notice of decision. Upon director approval, the department shall prepare and provide to the applicant a letter of lot consolidation. The

letter shall provide for acceptance of the consolidation by notarized signature thereon by the owner or owners of the new lot, and upon such execution, the department shall record the document at the applicant's expense.

49.15.404 Public way vacations.

(a) This section applies to petitions to vacate any portion of an existing public way, public easement, or any other area dedicated to the public. This section does not apply to property owned by the City and Borough in its proprietary capacity.

(b) *Pre-application conference.* A pre-application conference is required prior to submitting an application for a public way vacation.

(c) *Application.* Applications for public way vacations shall be submitted on a form provided by the department, and must be accompanied by the following:

(1) A petition by the City and Borough or a request signed by the owners of a majority of the land fronting the area sought to be vacated;

(2) A deed, or other sufficiently reliable legal instrument, describing the owners of the land fronting the area sought to be vacated;

(3) A sketch plat and all relevant submittals required by CBJ 49.15.410 showing the area proposed to be vacated and the proposed configuration of all adjoining parcels that would be modified if the vacation application were approved;

(4) A deed, or other sufficiently reliable legal instrument, describing how title to the vacated area will be allocated consistent with this section;

(5) The application fee;

(6) If required, an appraisal by a qualified appraiser; and

(7) If required by the director, a traffic impact analysis in accordance with CBJ 49.40, Article III.

(d) *Commission review process.*

(1) After determining the application is complete, the department shall provide public notice consistent with CBJ 49.15.230.

(2) The director may transmit copies to other public or private entities that may have an interest in the proposal for their comments.

1
2
3 (3) The director of engineering and public works shall review the application and
4 present written comments, including any recommended conditions of approval, to the
5 director of community development.

6 (4) The director or applicant may request review and comment by the subdivision
7 review committee.

8 (5) The director shall submit a recommendation to the commission addressing the
9 following:

10 (A) Whether the area proposed to be vacated is a right-of-way acquired
11 under the former 43 U.S.C. 932 (RS 2477 right-of-way);

12 (B) Whether there is any current or anticipated future public purpose to
13 retain the area proposed to be vacated;

14 (C) Whether the proposed vacation will have a detrimental effect on the
15 adjacent property or on the neighborhood; and

16 (D) Whether the proposed vacation is in the best interest of the public.

17 (6) The commission shall consider requests to vacate public ways after public
18 hearing. The commission shall presume that all public ways and similar public areas
19 are of value and of benefit to the public. The petitioner has the burden to prove
20 otherwise.

21 (7) After public hearing, the commission shall make a recommendation to the
22 assembly to approve, approve with modifications, or deny the proposed vacation
23 request. The commission shall prepare written findings in support of its
24 recommendation, which shall be forwarded to the assembly for its consideration. If
25 the commission recommends approval of the request or approval with modifications,
the commission must also make the necessary findings to determine how title to the
vacated area should be ordered as detailed below.

(A) The title to the public area vacated on a plat attaches to the lot or land
bordering the area in equal proportions. If the public area was originally
dedicated by different persons, original boundary lines shall be adhered to so
that the portion of the public area that lies on each side of the boundary line
shall attach to the abutting property on each respective side. The portion of a
vacated public area that lies inside the limits of a platted addition attaches to
the lots of the platted addition bordering on the area. If a public square is
vacated, the title to it vests in the City and Borough. If the property vacated is
a lot, title vests in the rightful owner.

(B) If the City and Borough acquired the vacated area for legal
consideration, or by express dedication to and acceptance by the City and

Borough other than as a subdivision platting requirement, then before final vacation the fair market value of the vacated area shall be deposited with the platting authority to be transferred to the City and Borough upon final vacation as required by CBJ 53.09.600.

(8) If the commission recommends approval of the request or approval with modifications, the director shall forward an ordinance along with the commission's written recommendation to the assembly for its consideration.

(e) *Assembly review.* A vacation is not valid without approval by the assembly in its legislative capacity and the recording of a plat. If the assembly approves the vacation, the assembly shall approve the vacation by ordinance. If the assembly does not approve the vacation, a subsequent vacation application cannot be filed until one year has elapsed from the date of the commission's recommendation.

(f) If the vacation of public way is approved, the property added to a parcel shall be platted per the subdivision requirements below.

(1) If the request involves a vacation that includes the resubdivision of thirteen or fewer lots, the submittal and platting requirements for a minor subdivision shall apply.

(2) If the request involves a vacation that includes the resubdivision of more than thirteen lots, the submittal and platting requirements for a major subdivision shall apply.

Division 2. Plat Requirements

49.15.410 Sketch plat.

(a) The sketch plat serves the following purposes:

(1) To inform the applicant of the City and Borough's subdivision requirements, public improvement requirements, and platting procedures before substantial costs are incurred by the developer in preparation of a subdivision application;

(2) To inform the department of the applicant's development plans; and

(3) To identify issues with the proposed subdivision, such as issues with the subdivision layout, the extent and nature of required improvements, the location and protection of sensitive areas, impacts to adjoining properties, and traffic, platting, drainage, and utilities requirements.

(b) A sketch plat is required for major subdivisions. A sketch plat may be required, at the director's discretion, for minor subdivisions.

(c) A sketch plat shall include the following:

- (1) A scaled drawing of the property, at a scale no smaller than 200 feet to an inch;
- (2) The size of the original tract or tracts being subdivided;
- (3) A north arrow. The plat shall be oriented with north toward the top of the sheet;
- (4) The name of the owner;
- (5) The approximate locations of existing lot layouts of adjoining properties;
- (6) Any existing rights-of-way, easements, or other encumbrances;
- (7) The approximate location of existing structures;
- (8) The approximate location and sizes of existing sewer lines, water lines, culverts, and other underground structures;
- (9) Proposed phasing, if applicable;
- (10) The number, dimensions, and approximate areas of all proposed lots;
- (11) The locations and names of all planned streets or other public ways within the subdivision;
- (12) If the sketch plat submitted covers only a part of the tract under the control of the applicant, the prospective street system of the unplatted part must also be shown;
- (13) The approximate location of any parcels proposed to be set aside for public use or for the use of all the property owners within the proposed subdivision, if applicable;
- (14) Proposed connections to sewer and water or a plan for any on-lot wastewater disposal; and
- (15) Proposed plans for collecting and discharging drainage water.

49.15.411 Preliminary plat requirements.

(a) The preliminary plat shall be prepared by a professional land surveyor, registered in

the State of Alaska.

(b) The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternate sheet sizes.

(c) The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale approved by the director of engineering and public works.

(d) The preliminary plat shall be oriented with north toward the top of the sheet. A vicinity map shall be located in the upper right-hand corner of the sheet. The vicinity map shall be oriented in the same direction as the plat. A suitable north arrow shall be shown for the plat and vicinity map.

(d) All line work and lettering must be of professional quality, and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion.

(e) A preliminary plat shall contain the following information:

(1) An enclosed title block in the lower right-hand corner containing the following information:

(A) The proposed name of the subdivision;

(B) The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number or section, township, and range number, as applicable;

(C) "City and Borough of Juneau, Alaska";

(D) "State Recorder's Office at Juneau";

(E) The date the preliminary plat was prepared and revised;

(F) The horizontal scale;

(G) The name and address of the owner of record;

(H) The case number for the preliminary plat;

(I) The parcel numbers of the property; and

(J) The name, address, and telephone number of the surveyor preparing the preliminary plat.

(2) Lot, block, and street information:

- (A) The area of each lot;
 - (B) The dimensions in feet and hundredths of a foot;
 - (C) An identifying number and letter for lots and blocks;
 - (D) Lots numbered consecutively, commencing with the number "1," with no omissions or duplications;
 - (E) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number;
 - (F) All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat;
 - (G) Abutting properties shall be shown with dashed lines, numbers, and/or letters;
 - (H) For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines;
 - (I) The minimum data shown for each curve shall be as follows:
 - (i) Length;
 - (ii) Central angle;
 - (iii) Radius; and
 - (iv) Bearing and distance of long chord.
 - (J) Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots.
- (3) Boundary lines:
- (A) All boundary lines of the subdivision with bearings and distances described;
 - (B) All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown

within parentheses and include a record source identification;

(C) The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat; and

(D) If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown.

(4) Monumentation:

(A) The monuments used to establish the basis of bearing;

(B) Each monument found or set shall be identified on the plat by a symbol;

(C) A complete description of the monument, including type and all information printed on the cap. A typical drawing shall be shown for each type of monument cap set;

(D) A legend showing the symbols for all the types of monuments; and

(E) The identification, description location, elevation, and datum of the benchmark used to establish vertical control.

(5) Site access, circulation, and utilities:

(A) The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary;

(B) Proposed rights-of-way, including their widths and proposed names;

(C) The grades of existing and proposed streets within these rights-of-way;

(D) The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary;

(E) The width, ownership, and use of all proposed easements;

(F) All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground;

(G) Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of-

way or easements;

(H) Proposed trails or pathways and widths of their rights-of-way; and

(I) If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted.

(6) Topographic information:

(A) For slopes of less than five percent, show one foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions;

(B) For slopes between five percent and ten percent, show two foot contour lines;

(C) For slopes greater than ten percent, show five foot contour lines;

(D) Every fifth elevation contour shall be distinctive and clearly labeled;

(E) Dashed lines shall represent existing contours;

(F) Mapping shall include any significant features which can materially affect the design of the subdivision, including, but not limited to, structures, fences, walls, and utility poles;

(G) If irregular slopes or special features are present, additional contour information may be required by the director of engineering for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:

(i) Pad elevations and drainage patterns for each lot;

(ii) Tops and toes of all manufactured slopes, including daylight lines; and

(iii) Existing and proposed retaining wall locations and heights.

(H) For subdivisions located in hillside areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70, Article II.

(7) Sewer and water:

(A) Existing sewer and water mains within the tract with pipe sizes and grades; and

(B) A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction.

(f) *Multisheet plats.* When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:

(1) North arrow;

(2) Legend;

(3) Surveyor's seal and signature;

(4) Title block;

(5) Sheet _____ of _____;

(6) Scale;

(7) All plat notes; and

(8) Vicinity map.

(g) The preliminary plat shall be submitted with the following required documents:

(1) A lot closure report; and

(2) Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.

(h) *Additional mapping or reports.* If required by this title or by the director, the following additional mapping or reports shall be submitted with the preliminary plat:

(1) Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat;

(2) The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland

delineations;

(3) *Soils report.* A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:

(A) Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal;

(B) The location and size of drain fields for each lot;

(C) The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal;

(D) If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed; and

(E) The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.

(4) *Drainage report.* A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:

(A) A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event;

(B) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way;

(C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the

increased runoff cannot be handled, the plan must propose solutions to the problem; and

(D) All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, Article V, and that will be constructed as part of the subdivision.

(5) *Water.*

(A) For subdivisions of five or more lots, including major subdivisions, the following shall be included, where applicable, in accordance with CBJ 49.15.412:

(i) If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.35, Article III, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used;

(ii) A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, Article III; and

(iii) A copy of the State application for a permit to appropriate water in the quantity required to meet the subdivisions demands.

(B) This section does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.

(C) The director for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report and proof of water, and condition the approval of the preliminary plat upon the provision of both documents as part of the final plat application and approval process.

(6) *Erosion control.* A report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.

(7) *Traffic study.* A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.

(8) *Shadow plats.* For subdivisions of five or more lots in transition areas, a shadow plat shall be submitted according to CBJ 49.70.710. The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and the lot size allowed under the transition zoning.

49.15.412 Final plat requirements.

(a) All final plats must meet the requirements set forth in CBJ 49.15.411.

(b) The director for minor subdivisions, and the commission for major subdivisions, may place such conditions upon the granting of final plat approval as are necessary to preserve the public welfare. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. The note shall constitute a restriction in favor of the municipality and the public, and shall run with the land, enforceable against all subsequent owners. Any such restriction may be enforced against the applicant or any subsequent owner by the municipality, by injunction or other appropriate action, in the same manner as a permit or permit condition, or by any specifically affected member of the public.

(c) Certifications.

(1) The following notarized certificates shall appear on all plats. The certificates shall be certified, dated, and signed before a notary public in accordance with A.S. 09.63, and must contain the relevant form of acknowledgment specified by A.S. 09.63.100.

(A) Ownership Certificate:

I (we)(corporate name) hereby certify that I am (we are)(the corporation is) the owner(s) of the property shown and described hereon and that I (we)(it) hereby adopt this plat of subdivision with my (our)(its) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

(B) Surveyor's certificate:

I, (name), in my capacity as a professional Land Surveyor registered in the State of Alaska, certify that this plat represents the survey made by me or under my direct supervision, that the accuracy of the survey is within the limits required by Title 04 of the Community Development Regulations and Title 49 of the Code of the City and Borough of Juneau, that all dimensional and relative bearings are correct, and that monuments are set in place and noted upon this plat as presented.

(2) The following director's certificate shall appear on minor subdivision plats, signed by the director and attested to by the municipal clerk:

I hereby certify that the plat hereon has been found to comply with Title 49 of the Code of the City and Borough of Juneau and is approved by the City and Borough of Juneau, Department of Community Development, for recording in the office of the Juneau Recording District, Juneau, Alaska.

(3) The following certificate shall appear on all major subdivision plats, signed by the chair of the planning commission and attested to by the municipal clerk.

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City and Borough of Juneau, Alaska and that said plat has been approved by the Planning Commission by Plat Resolution No. _____, dated _____, 20____, and that the plat shown hereon has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

(d) *Certificate sheet.* The director may require a certificate sheet to be included with the final plat for clarity. The certificate sheet will include a title block, sheet number, and all certificates, statements, and acknowledgements required by this chapter.

(e) *Other documents.* While not required to be placed on the plat, the following documents are required, except as noted below:

(1) Certification from the CBJ Treasurer that all real property taxes and special assessments levied against the property have been paid in full, or, if the certificate is sought between January 1 and the date of levy, that there is on deposit with the Treasurer an amount sufficient to pay estimated real property tax for the current year. Special assessments levied against a parcel to be subdivided must be paid in full prior to issuance of the certificate;

(2) Any certificates of approval required under CBJ 49.35.310 or 49.35.410;

(3) A statement from each private utility company that will be serving the subdivision, stating that the easements shown on the final plat are satisfactory for use by that utility company for service to the proposed subdivision and that arrangements have been made to convey such easements to the appropriate utility company that will use them;

(4) Proof that all conditions of preliminary plat approval have been satisfactorily completed;

(5) Proof of construction plan approval;

(6) A draft improvement guarantee in accordance with CBJ 49.55 if the applicant is proposing to record the plat prior to the completion of all required improvements.

(f) *Submittals for final plat recording.* After the director or commission has approved the final plat for recording, the following additional materials must be submitted for

recording:

- (1) One original reproducible plat on 22 by 34 inch sheets. The director may approve other suitable sheet sizes and will determine whether additional copies of the plat are required. The plat shall be drawn with black ink at a scale of one-inch equals 100 feet or less. The director may approve other suitable scales;
- (2) Any improvement guarantee in accordance with CBJ 49.55;
- (3) Deeds, easements, or rights-of-ways for land that the applicant is transferring to public agencies that are not dedicated or granted by the landowner's certificate on the final plat; and
- (4) Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision where it may be necessary to grant slope rights or allow access for maintenance and construction of subdivision improvements, or any other similar needs.

49.15.413 Plat expiration.

A preliminary plat shall expire five years from the effective date of the notice of decision unless substantial progress has been made in construction of required improvements or an application for the final plat has been accepted.

49.15.414 Plat effective date.

Once the plat has been approved in accordance with this article, the plat shall become effective upon recordation with the State Recorder's Office at Juneau.

49.15.415 Recorded plats legalized.

(a) *Generally.* All plats recorded before March 30, 1953, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, alleys or public thoroughfares on these plats are considered to have been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30, 1953, if a subsequent plat is filed indicating abandonment. The streets, alleys, or thoroughfares shown on the last plat of the area are deemed to be dedicated to public use. The streets, alleys, or thoroughfares shown on an earlier plat of the same area, or any part of it which is in conflict with those shown on the official plat, are deemed to have been abandoned and vacated.

(b) *Missing plats.* Where a recorded plat is missing and no present record is available except by reference to the missing plat, a counterpart copy, approved by the planning

commission, may be recorded. After recordation the counterpart copy will be considered effective as of the original date of the missing plat and will have the same legal effect and notice as the original missing plat.

Division 3. Design

49.15.420 Lots.

(a) *Generally.*

(1) Subdivision lots shall meet the minimum dimensional standards established by section 49.25.400, except as provided in CBJ 49.15.421 and CBJ 49.15.422.

(2) The shape, orientation, and setback lines of lots shall be appropriate for the development proposed. The director may require yard setbacks to be listed or labeled on the preliminary plat.

(3) Each lot must have at least one practical building site.

(4) Side lot lines should be at 90 degree angles to straight streets and radial to curved streets unless topographic conditions require otherwise.

(b) *Double frontage lots.* Except for corner lots, lots served by an alley, or where a frontage road or interior access road is required, double frontage lots should be avoided. When such lots are permitted by the commission or the director, the plat shall indicate which abutting street is not approved for access when access restrictions are deemed appropriate in order to:

(1) Prevent direct access to a collector or arterial street;

(2) Restrict access to prevent unsafe sight distances;

(3) Prevent the construction or maintenance of driveways near intersections; or

(4) Protect public health, safety and general welfare.

(c) *Shadow plats.* When the applicant is required to submit a shadow plat in accordance with CBJ 49.70.710, the director in the case of a minor subdivision, or the commission in the case of a major subdivision, shall review and approve the application based on how well the proposed lot layout will lend itself to future resubdivision as well as other requirements of this title.

49.15.421 Cul-de-sac lots.

If a proposed lot fronts on a cul-de-sac or a similar sharply curved right-of-way and the director for minor subdivisions, or the commission for major subdivisions makes a determination that meeting minimum lot width at the front building line in accordance with the Table of Dimensional Standards in CBJ 49.25.400 is impractical, the minimum width may be reduced as necessary to achieve a reasonable lot configuration.

49.15.422 Public use lots.

The director for minor subdivisions, or the commission for major subdivisions, may waive the dimensional standards of the public use lot for minimum lot size, lot width, and lot depth as set forth in CBJ 49.25.400, for lot frontage and access requirements as set forth in CBJ 49.15.420, and the provision of public improvements as set forth in CBJ 49.35, if the proposed use of the lot is for open space, natural area park, public or private utilities, conservation lot, or similar use, and if the following requirements are met:

- (1) The director or the commission finds that there is no public purpose or need that would be served by requiring the parcel to meet these code provisions and that the provisions are not applicable for the proposed public or quasi-public use of the lot;
- (2) Restriction of building development, further subdivision, and other limitations or restrictions shall be noted on the plat in accordance with CBJ 49.15.412;
- (3) For uses restricted from any building development, the land must be put into some form of permanent protected status through the use of conservation easements, deed restriction, or other instruments to assure building development will not occur where prohibited; and
- (4) Unless otherwise provided, the minimum yard setback requirements may not be waived with respect to lots abutting the public use lot.

49.15.423 Panhandle lots.

(a) The subdivision of a parcel creating a panhandle lot may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision. Panhandle lots may be created by subdivision under this section if the new lots meet the requirements detailed below.

(1) *Dimensional requirements.*

- (A) The front and panhandle lots must meet all the dimensional and area requirements of this title.
- (B) No part of the panhandle portion of the lot shall be less than 30 feet wide.

(C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones and 1-1/2 times the minimum lot depth in other residential zoning districts.

(D) No buildings are allowed to be built or placed in the panhandle portion of the lot.

(E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.

(F) The common property line between the two lots in any zoning district shall be limited to two changes in direction.

(G) The lot width for the panhandle lot shall be the distance between its side boundaries measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.

(2) *Minimum lot size.* Each lot served by a public sewer system shall be 20,000 square feet. The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean low water, and each lot using such disposal must abut the salt water to a minimum of 30 feet.

(3) *Access and parking.*

(A) Only one access to the public right-of-way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement or plat note.

(B) Off street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, Article II.

(C) A driveway and parking plan shall be submitted and approved by the director prior to recording the plat.

(D) Back out parking is prohibited.

(E) The applicant must submit a plan that shows the feasibility of off-street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.

(F) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking

areas will be constructed and maintained by all future property owners.

(G) Any portion of a driveway not located in a public right-of-way shall have a maximum grade not exceeding 15 percent. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.

(H) Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.

(b) Neither lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

49.15.424 Access.

(a) *Principal access to the subdivision.* Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements.

(1) *Principal access to remote subdivisions.* The department shall designate the principal access to the remote subdivision. Such access may be by right-of-way.

(b) *Publicly maintained access within a subdivision.* Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:

(1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;

(2) Use of an existing publicly maintained street;

(3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or

(4) A combination of the above.

(c) *Privately maintained access within a subdivision.* A subdivision may create new lots served by a privately maintained access road not maintained by an agency of government as provided by CBJ 49.15, Article IV, Division 4. All lots must have either a minimum of 30

feet of frontage to the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

(d) *Remote subdivisions accessible by navigable waterbodies.* All lots in a remote subdivision solely accessible by navigable waterbodies must have a minimum of 30 feet of frontage on, and direct and practical access to, either the navigable water or a right-of-way. The right of way must have direct and practical access to the navigable water.

(e) *Access within remote subdivisions accessible by pioneer paths.* All lots must either have direct and practical access with a minimum of 30 feet of frontage on the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

Division 4. Privately Maintained Access in Rights-of-Way

49.15.430 Purpose.

With a permit, a privately maintained access road serving thirteen or fewer lots may be constructed within a public right-of-way and constructed to less than full public street construction standards. Such permits may also allow subdivisions creating new lots accessed by a roadway not accepted for maintenance by an agency of government.

49.15.431 Application.

The applicant for a privately maintained access road permit must submit the following:

- (1) An application, on a form provided by the department;
- (2) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities; and
- (3) An access agreement as required by CBJ 49.15.434.

49.15.432 Department action.

The director shall forward the complete application to the fire and engineering department and the public works department for review

49.15.433 Design criteria.

(a) If a proposed access road would abut and provide access to thirteen or fewer lots each limited to a single-family residence by the CBJ 49.25.400 Table of Dimensional Standards, or could serve thirteen or fewer dwelling units, not including any properly permitted accessory apartments based on the existing maximum allowable residential density of the lots accessed by the privately maintained road, the director may approve, with or without

conditions, a permit in the right-of-way if the following criteria are met:

- (1) The proposed privately maintained access will be located in a public right-of-way that has not been accepted for public maintenance;
- (2) The proposed privately maintained access does not endanger public safety or welfare;
- (3) The proposed privately maintained access will be improved to provide for emergency service access;
- (4) A privately maintained access shall only serve property in which the proposed uses do not exceed 250 average daily trips as determined by the director;
- (5) Property served by the privately maintained access shall include accessory apartment traffic, when allowed, without a conditional use permit, even if accessory apartments are not currently proposed; and
- (6) Privately maintained access is prohibited unless:
 - (A) The abutting parcels have alternative and practical frontage on a publicly maintained right-of-way;
 - (B) The property owners of all abutting parcels are signatories of the access agreement required by CBJ 49.15.434; or
- (7) Privately maintained access is prohibited if abutted by property held by a governmental body unless the abutting parcel has alternative and practical frontage on a publicly maintained right-of-way.

49.15.434 Access agreement.

(a) An access agreement must be executed between the City and Borough and all property owners proposed to be served by a privately maintained access road. The agreement must identify the parties and the property, all signatures must be notarized, and the agreement must include the following provisions:

- (1) In exchange for the Grantee not being required to construct a road that can be accepted for maintenance by the City and Borough, and for the City and Borough of Juneau not being responsible for maintaining the privately maintained access road, the parties execute this agreement with the intent for it to run with the land and bind all heirs, successors, and assigns consistent herein;
- (2) The Grantee acknowledges that the City and Borough is not obligated to provide any maintenance or snow removal for the privately maintained access. The

1
2
3 Grantee is required to arrange for year-round reasonable maintenance for the
4 privately maintained access, including snow removal, sufficient to meet weather
conditions and to allow for safe vehicular traffic;

5 (3) The Grantee and the Grantee's heirs, successors, and assigns will defend,
6 indemnify, and hold harmless the City and Borough from any claim or action for any
7 injury, loss, or damage suffered by any person arising from the design, maintenance,
or use of the privately maintained access;

8 (4) The Grantee will ensure that use of the privately maintained access road will
9 not block vehicular or pedestrian access by the public in the right-of-way;

10 (5) The City and Borough will have unimpeded access in the right-of-way. The
Grantees are required to arrange for maintenance of the right-of-way;

11 (6) The Grantee and the Grantee's heirs, successors, and assigns will maintain
12 the privately maintained access road and public right-of-way according to the
conditions established in this agreement;

13 (7) The City and Borough will record a copy of the agreement, at the Grantee's
14 expense, with the State Recorder's Office for each lot or parcel of land either, in the
15 case of existing lots, those adjoining the segment of right-of-way in which the
privately maintained access is to be located; or, in the case of lots created by
16 subdivision and served by the privately maintained access, those lots so created;

17 (8) The owners of the lots subject to this agreement are required to pay for right-
18 of-way upgrades when existing or proposed development served by the privately
maintained access exceeds 250 average daily trips as determined by the director;

19 (9) The owners of the lots subject to this agreement are prohibited from
20 subdividing unless the privately maintained access is upgraded or all the property
owners served by the privately maintained access execute a new access agreement;

21 (10) Any development that increases the estimated traffic above 250 average daily
22 trips, as determined by the director, shall pay a proportionate share of the costs of
the right-of-way upgrades, which will offset the costs imposed on the existing owners
23 served by the privately maintained access. The proportionate share shall be the
percentage increase in average daily trips;

24 (11) The owners of the lots subject to this agreement authorize the City and
25 Borough to amend this access agreement by adding a new owner only upon
presentation of a written and fully executed maintenance agreement between all the
existing property owners subject to the original access agreement and the new
property owner proposing to be served by the existing privately maintained access.
Any amended access agreement supersedes an existing access agreement. After
recording, the new access agreement shall be sent to all the owners subject to it; and

- (12) The owners agree to maintain in full force and effect any insurance policy required by the City and Borough until and unless the roadway is accepted for maintenance by the City and Borough.
- (b) Prior to the City and Borough executing the access agreement:
- (1) The owners of the lots subject to the agreement shall create an owner's association for the purpose of continuing the duties contained in the agreement; and
- (2) The association shall obtain liability insurance of a type and in the amount deemed necessary by the City and Borough to provide coverage for claims arising out of or related to the use, occupancy, and maintenance of the privately maintained access road. The City and Borough shall be named as an additional insured on any required policy.

49.15.435 Other requirements.

- (a) If a permit for privately maintained access in the public right-of-way is approved, the applicant must apply to the engineering and public works department for a permit to construct the privately maintained access as required by CBJ 62.05, accompanied by final construction plans. Additional fees and bonding may be required for final plan review, inspection, and construction of the access road and utilities.
- (b) The applicant shall install a street sign, to be provided by the City and Borough, which shall indicate that the privately maintained access road is not maintained by the City and Borough.

Division 5. Remote Subdivisions.

49.15.440 Remote subdivisions.

The purpose of this section is to provide for design and improvement requirements specific to privately-owned remote subdivisions.

49.15.441 Applicability and restrictions.

- (a) A remote subdivision is a subdivision solely accessed by either a navigable waterbody or a pioneer path. The boundary of the remote subdivision accessed by pioneer path must be at least one half mile from the roaded service area.

(b) A remote subdivision may not be located within the roaded service area or the fire service area, or accessible by vehicular traffic weighing more than 1,000 pounds gross vehicle weight or having an overall width greater than 48 inches.

(c) The owners of lots or parcels within a remote subdivision accessible by pioneer path are prohibited from subdividing within two years from the creation of the remote subdivision.

(d) Remote subdivisions accessed by pioneer path shall be limited to thirteen or fewer lots and are reviewed by the Commission using the minor subdivision process. The Commission may impose any conditions and restrictions deemed necessary to protect public health, safety, and welfare.

49.15.442 Improvement standards.

The following improvement standards apply to remote subdivisions:

- (1) CBJ 49.15.424 Access.
- (2) CBJ 49.35.240 Improvement standards.
- (3) CBJ 49.35.310 Water systems.
- (4) CBJ 49.35.410 Sewer systems.

Division 6. Survey and Monumentation Standards

49.15.450 Licensed surveyor required.

All land subdivided in accordance with CBJ Title 49 shall be surveyed by a professional land surveyor licensed in the State of Alaska.

49.15.451 Boundary lines, basis of bearing.

(a) Each existing boundary line of the proposed subdivision shall be retraced to an existing monument of record. If a boundary consists of a U.S. Survey line, Mineral Survey line, or an Alaska Tidelands Survey line, the nearest recorded primary monument on each side of the proposed subdivision shall be located.

(b) A monumented centerline of a right-of-way must be considered in making the surveys and in preparing the plat. All monuments found shall be indicated and proper references made to field notes or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated.

(c) The basis of bearing referred to on the plat shall be a line defined by two found

monuments shown on the same record bearing and shall be clearly delineated or identified on the plat and in the basis of bearing statement

(d) A basis of bearing statement is required. The statement shall include the monument description, corner description, record bearing and the record documentation source with recording date.

(e) A note listing all plats of record, with recording information, pertinent to the boundary and property resolution must be listed on the plat.

49.15.452 Accuracy of survey.

A survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot in ten thousand feet of perimeter for field closures and one foot in twenty thousand feet for calculated distances.

49.15.453 Monumentation.

(a) The following monumentation is required for subdivisions of six or more lots:

(1) *Primary monuments.* Primary monuments shall conform to the following requirements:

(A) All exterior corners, points of curvature and points of tangency shall be monumented with a minimum two-inch diameter metal pipe, at least 30 inches long, with a minimum four-inch flange at the bottom. A minimum two and one half inch diameter metal cap shall be permanently attached at the top. If both the cap and the pipe are of nonferrous metal, then additives with magnetic qualities shall be permanently attached at both the top and bottom of the monument. Every primary monument cap shall be permanently stamped with the year set, the surveyor's registration number, year which the monument was set, initials of subdivision, and the corner identification. This data shall be orientated so that the data may be read when the reader is facing north. Monuments and accessories found in a disturbed condition shall be returned to the original position and condition as nearly as possible or replaced so as to perpetuate the position.

(B) No portion of a survey or subdivision may be more than 1,320 feet from a primary monument.

(C) If an exterior boundary line is less than 2,640 feet, but more than 1,320 feet long, then the intermediate primary monument shall be set as close to the midpoint as practical.

- 1
2
3 (2) *Witness corners.* If the point for a primary monument is in a place that would
4 be impractical to monument because of natural obstacles, a witness corner shall be
5 set. The witness distance must be shown on the plat of survey, from the existing
6 monument, as set, to the true corner position. Witness corners shall be set on a
7 survey property line and at a distance considered reasonable and practical from the
8 true corner point. Witness corners shall comply with the standards for primary
9 monuments.
- 10 (3) *Alternate monuments.* If conditions make it impractical to set a primary
11 monument, one of the following methods may be substituted:
12
13 (A) A two and one-half inch brass or aluminum cap may be grouted firmly
14 into a boulder; or
15
16 (B) A five-eighths inch minimum drive rod may be driven to a depth
17 necessary to provide a stable base for an aluminum cap. The depth of all
18 drive rods shall be noted on the plat.
- 19 (4) *Secondary monuments.* All lot corners, interior angle points and interior
20 curvature control points shall be monumented with at least a five-eighths inch metal
21 rod three feet in length with a one and one-quarter inch cap.
- 22 (5) *Monumentation installation.*
23
24 (A) Monuments shall be installed by the applicant's land surveyor at
25 points designated on the final plat.
26
27 (B) The applicant's surveyor must install monuments before the final plat
28 is filed with the State of Alaska recorder's office. The director of engineering
29 may require that monumentation be certified prior to final acceptance of the
30 subdivision improvements to ensure that any monuments disturbed or
31 destroyed during construction are reset.
32
33 (C) If construction begins prior to submittal of the final plat, all lot corners
34 adjacent to any proposed improvements must be staked throughout
35 construction.
- 36 (b) The following monumentation is required for subdivisions of five or fewer lots:
37
38 (1) All exterior corners of the plat and all corners of each lot shall be monumented
39 with a five-eighths inch by 30 inch pipe or bar capped and marked as required by the
40 director of engineering; provided, if a plat or lot corner is identical with a United
41 States Survey, a United States Mineral Survey, or an Alaskan Tidelands Survey, the
42 primary monument shall be shown on the plat or reestablished and shown if not
43 found.

(2) Monumentation must meet all the requirements listed in subsection (a), above, with the exception that the type of monument set may be a secondary monument.

Section 11. Amendment of Article. CBJ 49.15, Article V Design Review

Permits, is amended to read:

Article V. CBJ and State Project Review ~~Design Review Permits~~

Section 12. Amendment of Section. CBJ 49.15.580 State project review, is amended to read:

49.15.580 State and City and Borough project review.

(a) CBJ project review: The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title. The commission may review, at the director's discretion, all proposed City and Borough capital projects estimated to cost more than \$250,000 but less than \$500,000. The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.

(b) State project review: The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

~~The commission shall review proposed Alaska State Capital Improvement Projects for consistency with this title pursuant to AS 35.30.010, and may impose conditions on and modifications to such projects.~~

Section 13. Amendment of Article. CBJ 49.15, Article V Design Review Permits, is amended by adding a new section to read:

49.15.590 Right-of-way acquisitions.

(a) The minor subdivision permit process shall govern right-of-way acquisition plats,

except commission review through the major subdivision process shall be required if the acquisition of property for a right-of-way would create a nonconforming lot, use, or structure. The commission may approve creation of nonconforming lots, uses, or structures if each lot has at least one practical building site that may be reasonably developed. The commission may condition its approval.

(b) *Application requirements.*

(1) Signatures of the owners or lessees of the subject parcels are not required.

(2) The owner of land subject to a right-of-way acquisition may offer to sell or enter into a contract to sell land to the State or City and Borough before a final plat of the subdivision has been prepared, approved, filed, and recorded in accordance with this chapter.

(3) Applications for preliminary right-of-way acquisition plat approval shall comply with the requirements of CBJ 49.15.411, provided, however, that the following subsections are not applicable:

(A) CBJ 49.15.411(b)(2), unless the director determines that the proposed reduction in lot area of an existing parcel without public sewer access causes it to become unsuitable for on-lot waste disposal.

(B) CBJ 49.15.411(b)(2)(B), *Subdivision design*.

(C) CBJ 49.15.411(b)(4), *Water*.

(E) CBJ 49.15.411(b)(6), *Traffic study*.

(F) CBJ 49.15.411(b)(7), *Shadow plats*.

(c) *Final plat submittal.*

(1) All applications for right-of-way acquisition plats must comply with the requirements of CBJ 49.15.412, provided, however, that the following sections are not applicable:

(A) CBJ 49.15.412(a)(4)(B), *Proof of construction plan approval*.

(B) CBJ 49.15.412(a)(4)(D), *Utility statements*.

(C) CBJ 49.15.412(a)(4)(E), *Improvement guarantee draft*.

(D) CBJ 49.15.412(b)(4), *Improvement guarantee final*.

(E) CBJ 49.15.412(b)(5), *Deeds, easements, or rights-of-way*.

(d) *Design.* Right-of-way acquisition plats must comply with the design requirements of this title, provided, however, that the following sections are not applicable:

(2) CBJ 49.15.420 *Lots.*

(3) CBJ 49.35.220 *Streets.*

(e) *Improvements.* The requirement to construct public improvements according to CBJ 49.35 is waived except where the acquisition of right-of-way and subsequent change to property boundaries results in the loss of access to public utilities or street frontage for an existing lot necessitating replacement of these public improvements.

(f) *Survey and monumentation standards.* All applications for right-of-way acquisition plats must comply with the requirements of CBJ 49.15, Article IV, Division 6, except CBJ 49.15.453 is modified to require that only corners located along the new right-of-way line be monumented.

(g) *Right-of-way maps.* After completion of a right-of-way project, a final right-of-way map that identifies all required survey and monumentation information shall be submitted. The final right-of-way map will be reviewed by the director of the engineering and public works department for completeness and then recorded at the State Recorder's Office at Juneau at the applicant's expense.

Section 14. Amendment of Article. CBJ 49.70, Article XI, Remote Subdivision

Areas is repealed and reserved.

Section 15. Amendment of Section. CBJ 49.15.670 Planned unit development

design standards, is amended to read:

49.15.670 Planned unit development design standards.

...

(j) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development site and areas draining through the site. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the common open space may be used for stormwater management at the development. The homeowners' association shall provide the engineering department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the planned unit development. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.

Section 16. Amendment of Section. CBJ 49.15.680 Definitions, is repealed and reserved.

Section 17. Amendment of Section. CBJ 49.25.110 Zoning maps, is amended to read:

49.25.110 Zoning maps.

...

(g) *Public way Street vacations.* Whenever any street, alley or other public way is vacated as provided by CBJ 49.15.404 ~~section 49.15.450~~, the zoning districts adjoining the side of such public way shall automatically be extended to follow property lines legally created by such vacation. ~~Such extension following vacation shall have the same force and effect as boundary changes accomplished by explicit amendment.~~

(h) ~~*Stability.* In addition to designation as a particular zone, areas on the map shall be designated as stable areas not subject to bonus regulations. Reserved.~~

Section 18. Amendment of Section. CBJ 49.25.300 Determining uses, is amended to read:

49.25.300 Determining uses.

...

(c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

(1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.

(2) If the project is a major development the second number shall indicate the applicable procedure.

(3) Minor development means development which is classified by zoning district as follows: ~~The following are the distinctions between minor and major development:~~

(A) *Rural Reserve District:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling ~~of~~ less than 10,000 square feet or using less than one acre of land in total.

(B) *Single Family Residential Districts:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling ~~of~~ less than 5,000 square feet or using less than 10,000 square feet of land in total.

(C) *Multifamily ~~Family~~ Residential Districts:* A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling ~~of~~ less than 5,000 square feet or using less than 10,000 square feet of land in total.

(D) *Commercial and Mixed Use Districts:* A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling ~~of~~ less than 10,000 square feet or using less than one-half acre of land in total.

(E) *Industrial Districts:* Non-residential buildings totaling ~~of~~ 15,000 square feet or using less than one acre of land in total.

~~Minor development means development which is classified by zoning district as follows:~~

(4) Major development means all development activity that is not a minor development.

(5) *Exceptions.* Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

Section 19. Amendment of Section. CBJ 49.25.430 Yard setbacks, is amended to read:

49.25.430 Yard setbacks.

(4) *Projections into required yards.*

...

(K) *Existing substandard setbacks.* A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback or street side yard setback shall be used to calculate the average.

An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

If there are fewer than three buildings within 500 feet of the subject property, then the required setback shall be the average of front yard setbacks, or street side yard setbacks, of such fewer buildings, using a maximum of one building per lot.

Section 20. Repeal and Reenactment of Section. CBJ 49.35.120 Extent and nature of improvements, is repealed and reenacted to read:

49.35.120 Public improvements; generally.

(a) The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to provide for future extension to adjoining lands.

(b) If a publicly-maintained street serves an area outside the roaded service area boundary as a result of a subdivision, the roaded service area boundary, and if appropriate, the fire service area, shall be extended to include the roaded area and newly-created subdivision.

Section 21. Amendment of Section. CBJ 49.35.130 Standard specifications, is amended to read:

49.35.130 Standard specifications.

(a) *Compliance with specifications.* Except as ~~otherwise provided~~ ~~provided in this chapter~~, all subdivision improvements shall be in accordance with the latest revision of the city and Borough subdivision standard specifications and details on file in the engineering and public works department.

(b) The director of engineering and public works may prescribe different or additional standards if unusual or unforeseen conditions exist in a particular development, and the alternative meets or exceeds the intent of the original standard. ~~Unusual or unanticipated conditions. If unusual or unanticipated conditions exist in a particular plat, the director of engineering may prescribe different or additional standards to ensure equal or better performance under the special conditions.~~

(c) *Change of standards.* Prior to a substantial change in the standards generally applicable to required subdivision improvements, the director of engineering or the director of engineering's designee shall hold a public hearing on the proposed change. The hearing shall be preceded by ten days' published notice. The standards may be changed in response to comments received at the hearing or received at any other time prior to the effective date. The standards shall become effective 30 days after the first notice of the hearing is published. The manager may shorten the notice period or waive the requirement for a hearing and may specify an earlier effective date if the manager finds an emergency exists or that other conditions warrant such action. If the hearing is held with less than three days' published notice, a second hearing preceded by ten days' published notice shall be held.

Section 22. Repeal and Reenactment of Section. CBJ 49.35.140 Construction plans, is repealed and reenacted to read:

49.35.140 Construction plans.

(a) *Generally.* The developer must submit construction plans for all proposed public improvements and associated private improvements and utilities within and outside the proposed development's boundary.

(b) *Construction plan submittal.*

(1) *Plan sets.* Prior to submittal of the final plat, and before the start of any construction, the developer must furnish to the City and Borough Permit Center complete sets of construction plans, profiles, details, and special construction provisions for all existing and proposed improvements. The director of engineering and public works shall determine the number of plan sets to be submitted. Plan sets will be forwarded to the appropriate City and Borough departments and agencies.

(2) *Engineer's stamp.* Construction plans must be stamped by the professional engineer licensed in the State of Alaska who is responsible for the improvement designs. Multiple engineer stamps are required for plans with multiple discipline

designs, e.g., civil, electrical, structural engineering.

(c) *Construction plan – Details.*

(1) *Size.* All construction plans shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternative sheet sizes.

(2) *Information.* The drawings must contain the following information:

(A) Name of subdivision.

(B) Type of work.

(C) Date.

(D) Name of engineer preparing the drawings and the engineer's stamp.

(E) Space for approval signature by the director of engineering.

(F) A north arrow and scale.

(3) *Scale.* Horizontal scale must be one inch equals 50 feet or greater. Vertical scale must be one inch equals five feet or less with a minimum scale of one inch equals ten feet. The director of engineering and public works may approve alternative scales.

(4) *Benchmarks.* The locations, elevations and description of datum of permanent benchmarks must be shown.

(5) *Street profiles.* Profiles of streets shall indicate finished and existing grades for centerline of the street and shall extend a minimum of 200 feet beyond the limits of the proposed project or, if intersecting an existing street, extend to the far side of the existing street.

(6) Plans and profiles, where applicable, shall include location, elevation, size, materials, and all other details of the proposed improvements.

(7) Complete survey data must be shown for all horizontal and vertical curves.

(8) Construction plans shall include the location of all existing and proposed utilities.

(d) *As-built drawings.* The developer, upon completion of required improvements, must submit a reproducible and digital format copy of as-built plans unless otherwise required by the director of engineering and public works.

Section 23. Repeal and Reenactment of Section. CBJ 49.35.210 Street system,
is repealed and reenacted to read:

49.35.210 Street system.

(a) Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

(2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.

(3) Traffic calming should be taken into account in street layout and design.

(b) *Major and minor arterials.* Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

(1) The plat shall note that no lots shall access directly onto the arterial;

(2) Access shall be provided onto an interior access street or a separate frontage road.

(3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:

(A) All of the resulting lots must meet the minimum lot area standard for a single family dwelling in the D-1 zoning district (36,000 sq. ft.).

(B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.

(C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.

(D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common

access will be constructed and maintained by the property owners.

(E) The proposed subdivision must meet all other applicable subdivision standards and requirements.

(c) *Collector streets.* Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.

(1) *Major collectors.* Except as provided in subsection (C) of this section, if a new subdivision involves frontage along a major collector street:

(A) The plat shall note that no lots shall access directly onto the major collector.

(B) Access shall be provided onto an interior access street or a separate frontage road.

(C) Exception a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.

(2) *Minor collectors.* Access for lots is allowed directly onto minor collector streets if no other restrictions apply.

Section 24. Repeal and Reenactment of Section. CBJ 49.35.220 Street names,

is repealed and reenacted to read:

49.35.220 Street names.

(a) *New streets.* Street names must be unique in order to avoid confusion. When streets are extended, the name must remain the same for the new segment. Proposed street names shall be shown on preliminary plats. The names of streets fronting thirteen or fewer lots shall be approved by the director through the minor subdivision processes. The names of streets fronting more than thirteen lots shall be approved by the commission at the time of preliminary plat approval for major subdivisions.

(b) *Existing streets.* The commission shall approve applications to change the name of any existing public street or right-of-way.

(1) *Application.* The application must be on a form provided by the department and accompanied by:

(A) The application fee.

(B) Signed letters of approval from a majority of property owners whose

properties have access to the public street proposed for the name change.

(2) *Procedure.* After public hearing, the commission shall review the proposed street name change for consistency with this section, and, upon a finding that the change is consistent with this section and that the majority of property owners whose properties have access to the public street proposed for the name change approve of the change, shall approve the application.

(3) *Sign replacement.* If the name change is approved, the applicant shall be responsible for replacing all existing street name signs as specified by the department.

Section 25. Repeal and Reenactment of Section. CBJ 49.35.230 Design criteria, is repealed and reenacted to read:

49.35.230 Roadway classification map.

There are adopted roadway classification maps A - D, dated June 5, 2006, as the same may be amended from time to time by ordinance. These maps set forth the classification of streets and roadways within the CBJ. The roadway classification maps will govern references to streets in this title.

Section 26. Repeal and Reenactment of Section. CBJ 49.35.240 Construction standards, is repealed and reenacted to read:

49.35.240 Improvement standards.

(a) *Right-of-way widths.* The minimum right-of-way width of proposed streets is as follows:

- (1) *Arterials:* 100 feet; minor, 80 feet.
- (2) *Collectors:* 60 feet.
- (3) *Streets other than arterials and collectors:* 60 feet.
- (4) *Cul-de-sacs:* temporary or permanent turnaround: a diameter of 120 feet.
- (5) *Alleys:* 20 feet.
- (6) *Stairways and other non-motorized access routes:* 15 feet.

- (7) *Half streets.* Whenever there exists a dedicated or platted half street or alley adjacent to the tract of land to be developed, the other half of the street or alley must be platted, dedicated, and the entire street or alley constructed to current improvement standards.
- (8) *Substandard width.* Any previously platted right-of-way with less than the minimum standards identified for the traffic generated shall be improved to meet the minimum requirements established by this title.
- (b) *Right-of-way minimum width reductions.* The director may reduce minimum right-of-way width requirements:
- (1) For a collector, the right-of-way width may be reduced by up to 10 feet.
 - (2) For streets with less than 500 average daily trips, or a privately maintained access road in a right-of-way, the width may be reduced by up to 25 feet.
 - (3) Where the dedicated right-of-way abuts and runs parallel to an exterior property line, will serve as a half-street, and will be developed as a low volume street or a driveway in a right-of-way, the width may be reduced by up to 30 feet.
 - (5) Alleys and stairway right-of-ways may be reduced by up to 5 feet.
 - (6) The director shall make written findings supporting right-of-way minimum width reductions granted under this section. The director's findings shall state that:
 - (A) The applicant has provided room for electric utility features and demonstrates that if the road is upgraded in the future to include additional sidewalks that there is sufficient right-of-way for construction of the sidewalks without need for retaining walls over two feet in height.
 - (B) There is sufficient right-of-way or easements to allow for drainage improvements required by construction of the sidewalks.
 - (C) That any driveways shall be constructed to accommodate the elevations of future sidewalks.
 - (D) No additional right-of-way width will be required in order to provide for sufficient access to abutting lands.
 - (E) There is sufficient room for snow storage.
- (c) *Sight distance.* Sight distances for intersection, passing and stopping must be in accordance with the specifications set forth in A Policy on Geometric Design of Highways and Streets.
- (d) *Street grades.* Street grades are as follows:

- (1) *Maximum.* Grades on arterial streets must not exceed six percent. Grades on other streets must not exceed 12 percent.
- (2) *Minimum.* The minimum grade for all streets is one half percent.
- (3) *Cross slope.* The minimum cross slope on all streets is 3 percent.
- (4) *Exception.* Grades for all streets in hillside areas may be increased under certain circumstances according to Chapter 49.70, Article II, Hillside Development.
- (e) *Intersections.*
 - (1) *Corner sight distance.* Corner sight distance must be in accordance with CBJ 49.35.240, however, in no case shall the sight distance be less than 200 feet.
 - (2) *Intersection angle.* Intersections of right-of-way lines must not be less than 60 degrees. The intersection of the centerline of the constructed roadway must not be less than 80 degrees.
 - (3) *Grade.* The grade for the approach leg of a new roadway at an intersection must not exceed 2 percent for the first 30 feet, measured from the edge of the existing roadway. The grade for the next 70 feet of the new roadway must not exceed 6 percent (See Figure 1).
 - (4) *Adjustment to grade.* In certain circumstances, the director of engineering may require the centerline grade to be adjusted to ensure the grades along the edge of the intersecting street do not exceed the maximum grades listed above.
 - (5) *Alignment.* A proposed street that will intersect with an existing cross street shall, whenever practicable, align with an existing street intersection on the opposite side of the cross street. Street jogs that have center line offsets of less than one hundred feet, shall not be permitted (See Figure 2).
- (f) *Curves.*
 - (1) *Design.* Curves shall be designed in accordance with A Policy on Geometric Design of Highways and Streets.
 - (2) *Vertical curve.* The minimum length of vertical curves is 200 feet unless otherwise approved by the director of engineering and public works.
- (g) *Cul-de-sacs.*
 - (1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or

shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.

(2) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future, and if the following are met:

(A) The temporary portions of the cul-de-sac turnaround must be shown on easements on the plat rather than as dedicated right-of-way.

(B) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (vii) below.

(C) The CBJ will record a release of the easements for the temporary portions of the turnaround at the State Recorder's Office at Juneau at the time the turnaround is removed and the street improvements have been extended.

(D) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.

(E) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties.

(F) Temporary cul-de-sacs must be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 3).

(G) If the temporary turnaround is constructed on property outside of the subdivision boundary, curb, gutter, and sidewalks are not required for the temporary turnaround.

(H) Before final acceptance of all improvements by the CBJ, the developer must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five-year period, the developer can complete the reconstruction and extension, or the guarantee may be used by the CBJ for that purpose. If a right-of-way has not been dedicated on the adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released.

(I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, and the temporary cul-de-sac has not been extended as

authorized by this section, then the developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards.

(3) *Hammerhead turnarounds.* Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.

(h) *Streets construction standards.*

(1) *Arterials.* The subdivider is not responsible for the construction of arterial streets, but may be required to dedicate the necessary right-of-way during the platting process.

(2) *Other streets.* Other than arterials, street shall comply with the following:

Table 49.35.240 Table of roadway construction standards

Avg. Daily Trips (ADT)	Adopted traffic impact analysis required	Sidewalks	Travel way width	Street lights	ROW Width ⁱⁱ	Paved Roadway Required	Publicly maintained
≥ 500	Yes	Both sides	26 ft.	Continuous	60 ft	Yes	Yes
251 to 499	Maybe	One side	24 ft.	At all intersections	60 ft.	Yes	Yes
0 to 250	No	Not required	22 ft.	At intersection of subdivision streets and external street system	60 ft.	Yes	Yes
0 to 250	No	Not required	20 ft. ⁱ	At intersection of subdivision streets and external street system	60 ft.	No ⁱⁱⁱ	No

ⁱ Or as required by the Fire Code at CBJ 19.10.

ⁱⁱ ROW width may be reduced as prescribed at CBJ 49.35.240.

ⁱⁱⁱ Paving of roadway is required for any street type within the Juneau PM-10 Non-Attainment Area – Maintenance Area Boundary map.

(3) *Signs and markings.* The subdivider must install street name signs, traffic control signs, and traffic control pavement markings in accordance with approved plans and the requirements of the current issue of the Manual on Uniform Traffic Control Devices, including the current Alaska Traffic Manual Supplement, published by the Alaska Department of Transportation and Public Facilities.

1
2
3 (i) *Street waivers.* The director, after considering the recommendations of the director of
4 the engineering and public works department and of the fire marshal, may waive the
following and no other street improvement requirements:

5 (1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a
6 right-of-way, the director may waive all or some of the construction requirements
under the following conditions:

7 (A) The proposed relocation will improve access to abutting or neighboring
8 property not otherwise adequately served.

9 (B) The subdivider has provided sufficient engineering information to
10 demonstrate to the director of engineering the feasibility of constructing a
public street at the location of the relocated right-of-way.

11 (C) The relocated right-of-way and the resulting subdivision layout will
12 conform to all the other standards of this chapter.

13 (D) The improvements required in the new right-of-way will not be less
14 than those in the existing right-of-way.

15 (E) No additional lots are being platted.

16 (2) *Stub streets.*

17 (A) The director for minor subdivisions and the commission for major
18 subdivisions may waive the full construction of a roadway within a right-of-
19 way that is required to provide access to a bordering property, and does not
provide required access to any lot within the subdivision. The commission or
20 director may require provision of a roadbed, utility line extensions, or other
appropriate improvements (See Figure 4).

21 (B) In addition, before final acceptance of subdivision improvements, the
22 subdivider must provide a financial guarantee to cover the costs of
constructing that part of the roadway improvements waived by the
23 commission or director in subsection (A) of this section. The guarantee must
be for a period of five years from the date the plat is recorded. If it is
24 necessary to connect the roadway to adjoining property within that five-year
period, the subdivider may complete the construction, or the guarantee may
be used by the City and Borough for that purpose. If a right-of-way has not
25 been dedicated on the adjoining property that accomplishes the connection to
the stub street within this five-year period, the financial guarantee will be
released.

(C) When the subdivider of adjoining property is required to connect to the
stub street, and the stub street will not be constructed through subsection (B)

of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

(3) *Remote subdivisions accessible by navigable water.* The commission and the director may waive roadway improvements and other street construction requirements for remote subdivisions accessed solely by navigable water.

(j) *Pioneer path standards.* The following standards shall apply to remote subdivisions accessed by pioneer paths.

(1) Interior access shall be provided solely by pioneer path in a right-of-way. The right-of-way width of a pioneer path within a remote subdivision shall be 60 feet.

(2) Grades for pioneer paths must not exceed eighteen percent. The maximum cross slope grade must not exceed five percent.

(3) The width of a pioneer path shall not exceed 54 inches of tread, and must be located within a six foot corridor.

(4) Pioneer paths shall be designed and constructed to prohibit vehicular traffic wider than 48 inches from using the path, which may include the use of boulders, bollards, or any other similar structure.

(k) *Responsibility for improvements.* Unless otherwise provided, it shall be the responsibility of the subdivider to pay the cost of all right-of-way and street improvements caused by any development, as determined by the director.

Section 27. Repeal and Reenactment of Section. CBJ 49.35.310 Systems

required, is repealed and reenacted to read:

49.35.310 Water systems.

(a) For new development, the developer must construct a public water system that provides for daily water supply and fire protection needs if the following criteria are met:

(1) If development of five or more lots is proposed within 500 feet of an existing public water system; or

(2) If development of four or fewer is proposed within 200 feet of an existing public water system.

(b) *Nonresidential development.* The developer must provide an evaluation by an Alaska licensed engineer and submit the written evaluation to the director of engineering and public works for review and approval to determine the specific quantity and distribution

requirements.

(c) *Distance.* For the purpose of this section, distance is measured as the radial distance from the closest water main to the nearest point of the subdivision boundary.

(d) *Fire protection.* Fire protection requirements are based on whether the development is located within or outside the fire protection service area. All public water distribution systems constructed according to subsections (a) or (b) of this section must be sized and constructed to meet fire flow and hydrant requirements, and provide the necessary fire flows for fire protection. All improvements must be constructed according to the International Fire Code (IFC). The director of engineering and public works and the City and Borough fire marshal must approve all plans.

(e) *Private water systems required.* If a proposed development is located at greater distances from the existing public water system than specified in subsection (a), and the developer chooses to not connect to the public system, the developer must construct a water system that provides for daily water supply and fire protection needs according to the following:

(1) *Development of five or more lots.*

(A) For development of five more lots, the developer must construct a water system adequate to supply water for daily use. There are two types of systems the developer may construct:

(i) *Community water system.* A developer can choose to construct a community water system if the following requirements are met:

(a) The community system meets the quantity standards specified by this section.

(b) Any proposed water system must be approved by the Alaska Department of Environmental Conservation and any other agency having jurisdiction. The developer must submit proof of approval to the department.

(c) All improvements must meet the city and borough standards for construction of public water systems. The community system must provide a separate service to the boundary of each proposed lot.

(d) The developer must submit the appropriate documents that show the continued maintenance of the community water system is guaranteed. The city and borough may review and comment on the documents, but is not responsible for their content or enforcement of any provisions.

(ii) *Individual wells.* A developer can also choose the option of individual wells to supply daily water needs, if the following requirements are met:

(a) The developer must clearly demonstrate to the satisfaction of the director of engineering and public works, through test wells, draw down tests, and other suitable methods, that the quantity standards specified in this section can be met for all proposed lots.

(b) The proposed source and supply system must be approved by the Department of Natural Resources and other agencies having jurisdiction. Proof of the approval must be submitted to the department.

(B) Quantity requirements for development of five or more lots are as follows:

(i) *Residential use.* The proposed source and system for residential use must be capable of producing and delivering not less than 75 gallons per capita per day and a peak hour factor of 150 percent.

(ii) *Nonresidential development.* To determine quantity and distribution requirements for nonresidential development, the developer must provide an evaluation by an engineer licensed in the State of Alaska and submit the written evaluation to the director of engineering and public works for review and approval.

(iii) *Water rights.* The developer must show proof that the appropriate permit to appropriate water has been obtained from the State of Alaska for water rights for the source of water being proposed for use in the development.

(C) *Fire protection.* For a development of five or more lots proposed within the fire service area and not connecting to the public water system, the developer must construct a water supply system that will provide adequate fire protection. This distribution system must meet all the requirements of CBJ 49.15.____ above and may be separated or combined with the domestic water supply system.

(2) Development of four or fewer lots.

(A) Neither a community water system, nor individual wells are required if the development is of four or fewer lots.

(B) Fire protection requirements will be determined at the time the

individual lots are developed.

(3) *Exception for remote subdivisions.* This section does not apply to remote subdivisions, unless the subdivider of the remote subdivision chooses to provide potable water or a public water system is available and the subdivision falls within the criteria outlined in subsection (a).

Section 28. Repeal of Section. CBJ 49.35.320 Fire flow, is repealed and reserved.

Section 29. Repeal and Reenactment of Section. CBJ 49.35.340 Oversizing lines, is repealed and reenacted to read:

49.35.340 Oversizing lines.

When the subdivider is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system as part of a subdivision proposal, the director for minor subdivisions and the commission for major subdivisions, after reviewing a recommendation from the director of engineering, may require any or all parts of such installation to be oversized if the director of engineering and public works finds it likely that within the expected life of the new construction an increase in capacity will be required to serve other areas.

Section 30. Repeal and Reenactment of Section. CBJ 49.35.410 Systems required, is repealed and reenacted to read:

49.35.410 Sewer systems.

(a) For new development, the developer must construct a public sewer system connecting to the existing public sewer system if the following criteria are met:

(1) If development of five more lots is proposed within 500 feet of an existing public sewer system.

(2) If development of four or fewer lots is proposed within 200 feet of an existing public sewer system.

(3) For the purpose of this section, distance is measured as the radial distance from the closest sewer main to the nearest point of the boundary of the proposed subdivision.

1
2
3 (b) If a proposed development is located at greater distances from the existing public
4 sewer system than specified above, unless the developer chooses to connect to the public
5 system, then a private system is required. Either of the following acceptable private
6 systems may be installed.

7 (1) *Community and cluster wastewater systems.* Community wastewater
8 systems, which have shared collection, treatment, and disposal and cluster
9 wastewater systems, which have individual on-site treatment with a shared
10 collection and disposal system are acceptable if the following requirements are met:

11 (A) The developer must provide a report and certification by a registered,
12 qualified engineer licensed by the State of Alaska, which clearly shows that
13 the proposed community or cluster wastewater system will operate
14 satisfactorily, and how it will meet all other state and federal standards, to
15 the satisfaction of the director of engineering.

16 (B) The director of engineering and public works must review the report
17 and make a recommendation to the commission. The director of engineering
18 will not make independent findings, but will make a recommendation as to
19 the adequacy of the methodology and data provided in the report.

20 (C) All improvements must meet the City and Borough standards of
21 construction for public sewer systems.

22 (D) The proposed wastewater systems must be approved by the Alaska
23 Department of Environmental Conservation and any other agencies having
24 jurisdiction. Proof of approval must be submitted to the department.

25 (2) *On-site wastewater systems.* Wastewater systems, which have individual on-
site treatment and individual on-site disposal shall be acceptable if all the following
requirements are met:

(A) The developer must provide a report and certification by a registered,
qualified engineer or geologist licensed by the State of Alaska, which clearly
shows that the proposed lots are large enough and have existing soils of
sufficient permeability to permit the construction of on-site wastewater
treatment and disposal systems.

(B) The director of engineering and public works shall review the report
and make a recommendation to the director for minor subdivisions and to the
commission for major subdivisions. The director of engineering and public
works will not make independent findings but will make a recommendation as
to the adequacy of the data provided and of the methodology proposed in the
report for wastewater treatment and disposal.

(C) If adequate soils are not available onsite, the applicant can propose

alternative methods for individual on-site wastewater systems. Alternative methods may include mound systems, marine outfalls, or other suitable wastewater systems. Review and approval of a proposal under this section must meet the applicable requirements of subsections (i) and (ii) of this section.

(c) *Residential wastewater systems – property owner responsibility.* The responsibilities of individual property owners for their individual wastewater systems are as follows:

(1) *Permitting.* All the owners of lots in new minor and major residential subdivisions using cluster or on-site wastewater systems must obtain a City and Borough on-site wastewater treatment and disposal system (OWTDS) permit from the engineering and public works department, and have completed construction and inspection of the system prior to issuance of any certificate of occupancy. The requirements for obtaining a wastewater treatment and disposal system permit, and the permit fees, shall be established by regulations issued by the manager pursuant to CBJ 01.60.

(2) *Limited maintenance contract required.* In addition, the property owners in new residential minor and major subdivisions shall be required to enter into a contract with the department of public works or its designee for inspection, monitoring, and treatment plant pumping of the private wastewater facility. All other maintenance of the wastewater system is the responsibility of the property owner.

(3) Violation of this section is an infraction.

(d) Compliance with (b) of this section does not exempt the developer or individual property owners from meeting all requirements of the Alaska State Department of Environmental Conservation regarding approval of wastewater systems.

Section 31. Repeal and Reenactment of Section. CBJ 49.35.420 Oversizing

lines, is repealed and reenacted to read:

49.35.420 Oversizing lines.

When the subdivider is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system as part of a subdivision proposal, the director for minor subdivisions and the commission for major subdivisions, after reviewing a recommendation from the director of engineering, may require any or all parts of such installation to be oversized if the director of engineering finds it likely that within the expected life of the new construction an increase in capacity will be required to serve other areas.

1
2
3 **Section 32. Repeal of Section.** CBJ 49.35.430 Private treatment systems, is
4 repealed and reserved.
5

6 **Section 33. Repeal and Reenactment of Section.** CBJ 49.35.510 Drainage
7 plans, is repealed and reenacted to read:

8 **49.35.510 Drainage plans.**

9 (a) The developer must provide a total surface drainage plan, prepared by a civil
10 engineer licensed to practice in the State of Alaska, for approval by the director of
11 engineering. The plan must show all drainage facilities, and must include:

12 (1) The calculated increase in stormwater runoff resulting from the proposed
13 development as well as the runoff from the total drainage area(s) associated with the
14 site. Runoff calculation shall be based on a fully developed subdivision and a 25-year
15 storm event.

16 (2) An evaluation of existing drainage ways and structures located between the
17 development and the receiving water body shall verify that the existing drainage
18 ways can accommodate the increased runoff.

19 (3) All public and any required private drainage facilities.

20 (4) A demonstration of how drainage from the proposed subdivision will outlet
21 into an established drainage channel, unless an alternative drainage way is approved
22 by the director of engineering and public works.

23 (b) *Easements.* All development must be provided with necessary drainage easements,
24 and drainage facilities adequate to prevent increased surface or subsurface runoff to
25 abutting properties.

26 (c) *Drainage systems required.* The developer must install all on and off-site
27 improvements necessary to deal with increases in or changes to existing flows as shown on
28 the approved drainage plan.

29 (d) *Construction timing.* Any drainage improvements required by this section must be
30 constructed and approved prior to or at the same time as the completion of any street
31 construction.

Section 34. Repeal of Section. CBJ 49.35.530 Municipal planned area drainage system, is repealed and reserved.

Section 35. Repeal of Section. CBJ 49.35.540 Easements, is repealed and reserved.

Section 36. Repeal and Reenactment of Article. CBJ 49.35, Article VI Pedestrian Access, is repealed and reenacted to read:

ARTICLE VI. PUBLIC ACCESS

49.35.610 Pedestrian and bicycle access in the roaded service area.
 49.35.620 Streams and bodies of water.
 49.35.630 Trailhead dedications or easements.
 49.35.640 Acceleration and deceleration lanes.

49.35.610 Pedestrian and bicycle access in the roaded service area.

(a) *Shared use pathways.* Shared-use pathways for pedestrian and bicycle use within the roaded service area may be required through blocks longer than 600 feet, or where deemed necessary to provide reasonable circulation within and between residential areas, or to provide access to schools, playgrounds, shopping centers, transportation or other community facilities according to the following:

(1) *Shared-use pathway width.* The width of a shared use path must not be less than 10 feet.

(2) *Construction standards.* Shared-use pathways, where required, must be constructed according to the Alaska Department of Transportation and Public Facilities preconstruction manual on "Bicycle Ways." The director of engineering and public works may approve alternative construction when deemed appropriate to the conditions of the site.

(3) *Right-of-way width.* A shared-use pathway must be located in dedicated right-of-way with a minimum width of 15 feet. The width of the right-of-way may be modified by the director for minor subdivisions and by the commission for major

subdivisions, to accommodate the width of the fully constructed pathway and/or topographic features of the site.

(4) *Construction timing.* Shared-use pathways must be constructed prior to occupancy of any dwellings on lots located adjacent to the pathway, or at the time of all subdivision improvements are accepted by the City and Borough, whichever comes first.

(b) *Sidewalks.* The subdivider shall construct sidewalks according to table 49.17.525 in any residential subdivision, in all streets furnished with curbs and gutters, and in any commercial subdivision within the Urban Service Area.

(1) *Minimum width.* The minimum width of sidewalks is five feet.

(2) *Waiver.* The director, after consulting with the director of engineering and public works, may waive the requirement for sidewalks and allow alternative pedestrian improvements to be constructed upon a written finding that the alternative will:

(A) Take advantage of natural features of the site or implement the Juneau Non-Motorized Transportation Plan; and

(B) Provide a safety, quality, and functional equivalent to the requirement being waived.

49.35.620 Streams and bodies of water.

The developer shall convey such easements or make such dedications as may be made necessary in order to provide public access to all streams and public bodies of water.

49.35.630 Trailhead dedications or easements.

The developer shall convey such easements or make such dedications as may be made necessary in order to provide public access to existing trails.

49.35.640 Acceleration and deceleration lanes.

(a) If a driveway serves right-turning traffic from a parking area providing 200 or more parking spaces, and the road has a peak-hour traffic volume exceeding 750 vehicles per hour, an acceleration lane at least 200 feet long and at least ten feet wide measured from the driveway to the acceleration lane shall be provided.

(b) If a driveway serves as an entrance to a land development providing 100 or more parking spaces, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least 200 feet long and at least 13 feet wide measured from the road curb radius. A minimum 35-foot curb return radius shall be used from the deceleration lane in the driveway.

Section 37. Amendment of Section. CBJ 49.35.720, Provision of utilities (Reserved), is amended by adding a new section to read:

49.35.720 Utility access.

(a) Public rights-of-way or easements, together with the right of ingress and egress, shall be provided where necessary for public utilities. Where easements are required, and approved, for public water systems, sanitary sewers, storm drainage facilities, or other similar public uses, the following requirements apply:

(1) *Width.* All easements must be accessible for maintenance and must have adequate space within the easement to accomplish maintenance, excavation, and stockpiling of material. The minimum width for a public easement that does not abut a public right-of-way is 20 feet, unless otherwise required by the director of engineering and public works.

(2) *Surface.* Easements shall be graded and compacted to provide a suitable surface for access and maintenance.

(3) *Restricted access.* Where easements adjoin a public street, the director of engineering and public works may require improvements to prevent access by the public.

(b) The director or planning commission shall require easements to be shown on a plat that grants access or other rights in the favor of certain properties. These private easements are not dedicated to or maintained by the public and must be noted as such on the plat.

(c) A note must be added to the plat stating the purpose of the easement, the grantee of the easement, restrictions on the easement use, and whether the easement is permanent or temporary, or private or public.

Section 38. Amendment of Chapter. CBJ 49.40 Access, Parking and Traffic, is amended to read:

CHAPTER 49.40

ACCESS, PARKING AND TRAFFIC

Section 39. Repeal of Article. CBJ 49.40, Article I Access, is repealed and reserved.

Section 40. Amendment of Section. CBJ 49.65.610 Bungalow lot subdivisions, is amended to read:

49.65.610 Bungalow lot subdivisions.

(a) Subdivisions creating bungalow lots must meet the following requirements:

(1) Lots must be served by municipal water and sewer and publicly maintained roads.

(2) In zoning districts D1, D3, D5, D10-SF, and D10, subdivisions shall not exceed two bungalow lots for each standard lot.

(3) In zoning districts D15 and D18, bungalow lots may be platted without creating standard lots.

(4) A note shall be included on all plats which create bungalow lots, providing: "At the time of plat recording, structures on (lot and block number for all bungalow lots) were limited to one 1,000 square foot detached single-family residence per lot; other restrictions apply as well. See the City and Borough of Juneau Land Use Code for current regulations."

(5) Lots created through the Planned Unit Development process shall not be further subdivided into bungalow lots.

Section 41. Amendment of Section. CBJ 49.65.620 Review procedure, is amended to read:

49.65.620 Review procedure.

(a) The review procedure for bungalow lot subdivisions shall be:

(1) In zoning districts D1, D3, D5, D10-SF, and D10:

(A) A minor subdivision procedure may be used for subdivision of a parcel into not more than four lots, provided that no fewer than one standard lot for each bungalow lot shall be created through this process.

(B) Subdivisions containing one standard lot and two bungalow lots shall be processed as major subdivisions.

(2) In zoning districts D15 and D18, bungalow lots may be platted through the subdivision process set forth in Chapter 49.15, Article IV, ~~Minor and Major Subdivisions~~.

Section 42. Amendment of Section. CBJ 49.65.700 Purpose, is amended to read:

49.65.700 Purpose.

The purpose of this article is to allow, in certain residential districts, the development of common wall residential structures where each dwelling and underlying property is held under separate ownership ~~that are~~.

Section 43. Repeal and Reenactment. CBJ 49.65.705 Procedure, is repealed and

reenacted to read:

49.65.705 Procedure.

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

Section 44. Repeal and Reenactment of Section. CBJ 49.65.710 Four dwellings

or less, is repealed and reenacted to read:

49.65.710 Development permits.

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ Table of Permissible Uses.

(1) *Department review.*

(A) *Application submittals.* The following submittals are required with an application for department approval:

(i) Building plans that meet the requirements of this chapter and Title 19.

(ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.

(iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) *Planning commission review.*

(A) *Application submittals.* The following submittals shall be required with the conditional use permit application:

(i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.

(ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.

(iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development will comply with all the dimensional standards of this article after the parcel and structure have been divided.

(B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.

Section 45. Repeal and Reenactment of Section. CBJ 49.65.720 Five dwellings

or more, is repealed and reenacted to read:

49.65.720 Common wall subdivision.

(a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 Article VII, and the following additional requirements:

(1) *Preliminary plat.* The following additional items will be submitted with the preliminary plat:

(A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.

(B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.

(C) Final common wall agreements and/or homeowners' agreements suitable for recording.

(b) *Final Plat.* After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the State Recorder's Office at Juneau at the applicant's expense, after issuance of final occupancy permits.

Section 46. Amendment of Section. CBJ 49.65.730 Utilities, is amended to read:

49.65.730 Separate utilities Utilities .

All common wall dwellings must be served by individual public water and sewer services unless otherwise authorized by CBJ Title 75 ~~suitable easements and maintenance agreements are provided.~~

Section 47. Repeal and Reenactment of Section. CBJ 49.65.735 Parking and access, is repealed and reenacted to read:

49.65.735 Parking and access

(a) Common wall development shall meet the parking requirements for single-family dwellings in accordance with CBJ 49.40.

(b) For common wall structures of three or more dwellings, access to public rights-of-way may be restricted to common driveways for each pair of dwellings.

(c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.

(d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

Section 48. Amendment of Section. CBJ 49.65.740 Density, is amended to read:

49.65.740 Density.

The density allowed for common wall dwellings in any zoning district is the density specified for dwellings other than duplexes in that district and in accordance with CBJ 49.25, Article V.

Section 49. Amendment of Section. CBJ 49.65.750 Dimensional standards, is amended to read:

49.65.750 Dimensional standards.

...

(3) *Minimum side yard setback.* The minimum side yard setback from the common property line is reduced to zero feet. The remaining side yard setbacks shall be ten feet in a D5 zone, three feet in a D10-SF zone, and five feet in a D10, D15, D18 or MU2 zone. ~~The minimum side yard setback from the common property line is reduced to zero feet for the common wall only. The remaining side yard setbacks shall be ten feet in a D-5 zone, three feet in a D-10 SF zone, and five feet in a D-10, D-15, D-18 or MU2 zone. For any significant part of the structure opposite the common property line but not connected to the structure on the other lot, a five-foot minimum setback from the common property line shall be maintained or a minimum five-foot maintenance easement and adequate homeowners agreement provided.~~

Section 50. Amendment of Section. CBJ 49.70.210 Scope, is amended to read:

49.70.210 Applicability and Scope.

(a) This article applies to all development on hillsides in the City and Borough that involves the following; ~~except:~~

~~(1) Development on hillside lots which does not involve:~~

(1) ~~(A)~~ Removal of vegetative cover;

(2) ~~(B)~~ Excavation of any slope in excess of 18 percent;

(3) ~~(C)~~ Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or

(4) ~~(D)~~ Any hazard area identified on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.

(b) All hillside development endorsement applications shall be reviewed by the planning commission, except the following may be reviewed by the director:

(1)~~(2)~~ An excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure ~~This article does not apply to an~~ ;

(2)~~(3)~~ Graves ;

~~(4) Refuse disposal sites controlled by other regulations;~~

(3)~~(5)~~ Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property ;

(4)~~(6)~~ Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work ;

(5)~~(7)~~ An excavation which:

(A) Is less than two feet in depth and covers less than 200 square feet; or

(B) Does not create a cut slope greater than five feet in height or steeper than 1½ horizontal to one vertical.

(6)(8) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course; ‡

(7)(9) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course; ‡

(8)(10) Minor development.

Section 51. Amendment of Section. CBJ 49.70.220 Hillside development endorsement application, is amended to read:

49.70.220 Hillside development endorsement application.

(a) ~~Endorsement required. All~~ Except as set forth in section 49.70.210, all development on hillsides shall be pursuant to a hillside development endorsement to the allowable or conditional use permit otherwise required.

(b) ~~Compliance.~~ The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration. ~~If soils exploration requires construction of a drilling pad, platform, or other structure not exempt under section 49.70.210, then a hillside development endorsement for the pad, platform or structure shall be obtained.~~

(c) ~~Application.~~ Contemporaneous with an application for an allowable or conditional use permit, the developer shall submit one copy of a hillside development application, supporting materials, and fee to the department. The department shall forward the application to the municipal engineer. Applications shall be submitted prior to application for any associated building permit. The engineer shall return an incomplete application to the applicant within three working days of submission.

Section 52. Repeal and Reenactment of Section. CBJ 49.70.240 Submission requirements; application, is repealed and reenacted to read:

49.70.240 Application.

The application shall be accompanied by the following materials, which shall be signed and stamped by a civil engineer, architect, geologist or land surveyor licensed in the State of Alaska:

(1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies.

(2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:

(A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;

(B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;

(C) Lot boundaries and easements for the site and adjacent lots; and

(D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.

(3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:

(A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.

(B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.

(C) Lot boundaries, easements and setback lines.

(D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.

(E) Clearing limits of existing vegetative cover.

(F) A cross section of the development site.

(4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.

(5) A description of the source and type of any off-site fill, and the site for depositing excess fill.

(6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.

(7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.

(8) A work schedule, by phase.

(9) Such other different or more detailed submissions as may be required.

Section 53. Amendment of Section. CBJ 49.70.260 Criteria, is amended to read:

49.70.260 Criteria.

The commission or director shall consider the extent to which the development meets the following criteria:

(1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.

(2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.

(3) *Contours.* The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.

(4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.

(5) *Replanting.* The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.

(6) *Drainage.* The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.

(7) *Foundations.* The developer shall ensure that buildings will be constructed on geologically safe terrain.

(8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.

(9) *Soil retention features.* The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.

(10) *Wet weather periods.* The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

Section 54. Amendment of Section. CBJ 49.70.270 Conditions on approval, is

amended to read:

49.70.270 Conditions on approval.

The commission or director may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

(1) *Development schedule.* The commission or director may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.

(2) *Dedications.* The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

(3) *Construction guarantees.* The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.

(4) *Lot size.* If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.

Section 55. Amendment of Section. CBJ 49.70.710 Subdivisions in transition zones shadow platting, is amended to read:

49.70.710 Subdivisions in transition zones shadow platting.

(a) *Contents of application.* When a plat is submitted under chapter 49.15, article IV for a ~~major~~ subdivision of five or more lots in a transition zone, the application shall include a shadow plat of the property. The shadow plat shall be a sketch plat overlay of the actual lot layout proposed. This overlay shall reflect as nearly as possible the future resubdivision of the parcels into smaller lots, based upon the density and lot size allowed after public sewer and water are provided.

(b) *~~Decision Commission decision.~~* The director for minor subdivisions and the ~~The~~ commission for major subdivisions shall review and approve the application ~~for a major subdivision~~ based on how well the proposed lot layout will lend itself to future resubdivision as well as other requirements of this title.

Section 56. Amendment of Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within ten ~~10~~ days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written

recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest with the municipal clerk within 20 days of the commission's written notice of recommendation.

(3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. ~~If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.~~

(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 57. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

...

Development permit means department approvals, subdivision permits and approvals, allowable use permits, special use permits and conditional use permits.

...

~~Minor development means a subdivision of four or fewer lots in any zoning district; minor development is also classified by zoning district as follows:~~

~~Rural Reserve District: A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one acre of land.~~

~~Single Family Residential Districts: A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 5,000 square feet or using less than 10,000 square feet of land.~~

~~Multifamily Family Residential Districts: A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 5,000 square feet or using less than 10,000 square feet of land.~~

~~Commercial and Mixed Use Districts: A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one half acre of land.~~

~~Industrial Districts: Non-residential buildings of 15,000 square feet or using less than one acre of land.~~

...

Public sewer and water system means any system that is operated by a municipality, governmental agency, or a public utility licensed as such by the state for the collection, treatment and disposal of wastes, ~~and the~~ furnishing of potable water and fire protection.

Public way means pedestrian ways, rights-of-way, and streets and any other way held for or held open by a public entity ~~the municipality~~ for purposes of public access.

...

Right-of-way means a defined area a strip of land, including surface, overhead and underground space, reserved or granted by deed, easement or dedication for a street, alley, utility, walkway, sidewalk, condemned and occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and or other similar uses public ways.

...

Roadway means the portion of a street intended for vehicular traffic; where curbs are laid, the portion of the street between the back of the curbs.

...

Street means a thoroughfare improved or intended to be improved for travel, permanently open to general public use that affords the principal means of access, frontage and address to individual buildings, lots and blocks. Streets include a pioneer path, road, avenue, place, drive, boulevard, highway or other similar means of public thoroughfares except an alley. Unless otherwise indicated, the term street shall refer to both public and private streets ~~the entire right of way of a public way which affords the principal means of access to properties abutting the right of way.~~

...

Street, ~~major~~ arterial, means a street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials and collectors.

...

Subdivider means the developer or owner of a subdivision.

...

Subdivision means the division or redivision of a tract or parcel of land into two or more lots, sites or other divisions and the act of developing, constructing or improving property with a subdivision as required by CBJ Title 49 ~~the division, redivision, or development of land into two or more lots, or land leases of 55 or more years.~~

...

Urban service boundary means the boundary of the urban service area established in the comprehensive plan.

Section 58. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Cluster wastewater system means a system with individual on-site wastewater treatment and a shared wastewater collection system under some form of common ownership, other than public ownership, that collects wastewater from two or more dwellings and conveys it for disposal to a suitable site near the dwellings.

Common facilities means streets, sidewalks, parking areas, community buildings, refuse disposal systems, sewer systems, and water systems, held in common ownership by planned unit development homeowners.

Common open space means open space held in common ownership by planned unit development homeowners. Buildings, parking areas, and similar improvements may be located in and included in the calculation of common open space if related and necessary to the function of the open space. Stormwater drainage and flood storage may be located in and included in the calculation of the common open space. Common on-site sewage disposal systems, but not individual septic systems, may be located in and included in the calculation

1
2
3 of common open space. Streets may be located in but shall not be included in the calculation
4 of common open space.

5 *Community wastewater and disposal system* means a system with a shared
6 wastewater treatment and collection system under some form of common ownership, other
7 than public ownership, that collects wastewater from two or more dwellings and conveys it
8 to a treatment plant and disposal system located on a suitable site near the dwellings.

9 *Conservation lot* means an undeveloped or remediated parcel where building
10 development is permanently prohibited. A conservation lot is intended to preserve open
11 space, environmentally sensitive areas, scenic views, wetlands, and buffers.

12 *Density bonus* means an increase in allowable density above that otherwise allowed
13 in the zoning district in which the planned unit development is located.

14 *Improved common open space* means common open space containing common
15 facilities, recreational equipment, parks, gardens, picnic areas, landscaping, or other
16 outdoor improvements.

17 *Natural area park* means a lot owned by a government and characterized by areas of
18 natural quality designed to serve the entire community by providing fish and wildlife
19 habitat, open space/natural areas, access to water, and opportunities for passive and
20 dispersed recreation activities. Development is prohibited except for structures, roads, and
21 trails necessary for public use, education, maintenance, and protection of the resource.

22 *Panhandle lot* means a lot where the only owned access to the right of way is a
23 narrow strip of land, the width of which is less than the minimum required by code.

24 *Pioneer path* means an access path for pedestrian, equestrian, human powered
25 vehicles, all-terrain vehicles, snow machines, and similar off-road recreational vehicles
weighing less than 1,000 pounds gross vehicle weight and having a maximum overall width
of 48 inches. Except as identified above, a pioneer path shall be designed and constructed to
prevent a vehicle registered or required to be registered under AS 28.10 from traveling on
the pioneer path.

Planned unit development means a tract of land at least two acres in area, under
single, corporation, firm, partnership, or association ownership, planned and developed as
an integral unit in a single development operation or a definitely programmed series of
development operations and according to approved preliminary and final development
plans. Planned unit developments shall comply with all requirements of the land use code,
except to the extent that such requirements are superseded by a permit issued pursuant to
this article.

Private improvements means those improvements required as part of a subdivision or
other land use permit that will not be maintained by the City and Borough or other agency
of government.

Privately maintained access road means a road that the department or the commission has permitted to be constructed at less than full public street standards in an existing right-of-way. Privately maintained access roads can be used by the public and can provide access to more than one parcel, but will not be publicly maintained. A privately maintained access road is distinguished from an ordinary driveway in that an ordinary driveway provides access between a parcel of land and the public portion of the street, and is not for public access (See Figure 5).

Public improvements means any construction incidental to servicing or furnishing facilities to a development, including but not limited to: streets; retaining walls; street signs and markings; curbs and gutters; street lights and associated power conduits; sidewalks; shared use pathways; sewer mains, pump stations, service laterals, manholes, cleanouts and all associated parts; storm sewer mains, manholes, catch basins, pump stations, service laterals, and all associated parts; water mains, fire hydrants, service laterals, valves, pump stations, reservoirs, and all associated parts.

Public square means an area dedicated for public use for temporary leisure, assembly, markets, and similar uses.

Quasi-public means property or infrastructure that is normally owned by the public sector, but owned by the private sector serving in the public interest.

Radial distance means the shortest distance measured along a radius extending from a point of the object being measured from to a point on the object being measured to.

Roadway Width is measured as the paved section of a paved street or from shoulder to shoulder on a gravel street.

Sight distance means the distance that a driver needs to react appropriately to a situation, including stopping sight distance, passing sight distance, and intersection sight distance.

Undisturbed common open space means common open space left in its natural condition.

Section 59. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

- (1) Minor development.

- (A) Reserved;
- (B) Staff review, no charge if a building permit is required;
- (C) Sign permit, \$50.00 for the first two signs, and \$20.00 for each additional sign.

(2) Minor subdivision or consolidation.

- (A) Subdivision creating additional lots, \$400.00 plus \$25.00 for each resulting lot;
- (B) Subdivision creating no additional lots, \$110.00 plus \$25.00 for each lot changed;
- ~~(C) Minor lot consolidation, \$135.00.~~

...

(4) Major subdivisions, including mobile home subdivisions.

- (A) Preliminary plat, \$110.00 per lot ~~or \$650.00, whichever is greater;~~
- (B) Final plat, \$70.00 per lot ~~or \$400.00, whichever is greater;~~
- (C) Reserved;
- (D) Plat amendment, \$110.00 plus, \$25.00 per lot.

...

Section 60. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk