

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
May 4, 2015, 6:00 PM.
City Hall Assembly Chambers**

Assembly Worksession - No Public Testimony

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. **March 23, 2015 Committee of the Whole Minutes**

B. **April 13, 2015 Committee of the Whole Minutes**

IV. AGENDA TOPICS

A. **Title 49 Land Use Code - Proposed Changes to Subdivision Review**

B. **Gastineau Apartment Update**

C. **Executive Session - Attorney update on Haven House Appeal, Hohman Civil Case**

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

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

March 23, 2015 Committee of the Whole Minutes

ATTACHMENTS:

	Description	Upload Date	Type
☐	Draft Minutes 3/23/2015 Committee of the Whole	4/13/2015	Minutes

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ASSEMBLY STANDING COMMITTEE COMMITTEE OF THE WHOLE THE CITY AND BOROUGH OF JUNEAU, ALASKA MINUTES

March 23, 2015, 6:00 PM.
City Hall Assembly Chambers

Worksession - No Public Testimony

I. ROLL CALL

Mayor Merrill Sanford called the meeting to order at 6:05 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker (telephonic), Karen Crane, Maria Gladziszewski (telephonic), Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White (telephonic).

Assemblymembers Absent: None.

Staff present: Mila Cosgrove, HRRM Director; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Beth McEwen, Acting Municipal Clerk; Hal Hart, Community Development Director; Rorie Watt, Engineering and Public Works Director; Samantha Stroughtenger, Wastewater Superintendent; Greg Chaney, Lands and Resources Manager.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. March 2, 2015 - Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the March 2, 2015 Assembly Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Biosolids Update

Rorie Watt said the staff did more investigation on the potential for use of a centrifuge process in solid waste disposal. Testing was done to see what types of solid consolidation could be achieved.

Test results show that some savings could be obtained from using a centrifuge but the capital cost far outweighed the savings and use of a centrifuge did not pencil out on a 20 year horizon. The existing belt filter press at both plants still have significant economic life.

Mr. Kiehl said he saw increased operating costs in addition to capital cost in the report for centrifuge use. Mr. Watt said there would be increased O&M for a centrifuge, but if running a dryer, less sludge would be dried so there would be O&M savings in that portion and the net was slightly better.

Ms. Troll thanked the staff for the information and analysis. She asked about the status of the project. Mr. Watt said he was putting together a specification for equipment to put out a statement of need to get information back. This would direct CBJ to a specific manufacturer for a bid

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package. He said the staff would be back to the Assembly in the summer for approval to go to bid on that installation.

Mr. Jones asked about the information on sludge dryer prevalence referred to in the materials. Mr. Watt said that the information showed that dryers were prevalent in the industry and the link was to unbiased information on them - there were about 150 installations in the United States. There are fewer technologies for producing Class A products which is the goal of CBJ.

Mr. Watt said the Utility Advisory Board was due to report to the Assembly in June. Given the concern about the cost of the wastewater project, and the questions about composting as a viable method, he had asked the UAB to take a stronger role and investigate the technical details about the topic of composting. The UAB was also interested in the gasification issue and they would like to look at that as well.

B. West Douglas Road

Mr. Watt said in the Army Corps of Engineering permitting process, the Corps has asked for a mitigation plan. The road itself will fill about 1.5 acres of wetlands. The road alignment avoids as much wetlands as possible. There were two choices - to provide land to enter into preservation status, the other is to pay, and the cost is about \$30,000 per acre. The mitigation would either be providing 4.5 acres of land or about \$150,000. Mr. Watt said the land would follow tributaries and would likely be the most difficult land to develop economically, which results in the multiplier of impacted lands to preserved lands.

Mr. Jones asked if timber receipts could be banked to offset road construction costs. Mr. Watt said the value of the timber within the right of way was a moving target and the most practical action would be to decide how much of the corridor to clear and require the contractor to clear that, sell or dispose of the logs, as the market would bear. Mr. Jones referred to the MOA to be signed with Goldbelt which said the 150 foot right of way would be clear cut. Mayor Sanford said the Corps did not care where the funds came from for the cost of mitigation. Ms. Troll said there were many mills in Southeast Alaska that were eager for a supply of timber.

C. Whale Sculpture / Seawalk Project Update

Mayor Sanford recognized former Mayor Bruce Botelho at the meeting.

Mr. Watt said the Corps of Engineer Permit was issued for the whale and seawalk project and he provided a memo outlining the issues on this project that had been under development for more than ten years. He gave a brief history of the sculpture project to date. The Assembly passed a resolution in 2007 agreeing to accept, site, position and maintain the whale sculpture. The original conceptual location of Marine Park was determined to be too small. The Assembly determined that the most appealing alternative site was the bridge site. The voters supported funding of a new public works shop at 7 mile, and the facility at the bridge was removed. The Assembly purchased the sand spit in the area in 2011. Mr. Watt displayed waterfront plan drawings and maps.

In 2012, the Assembly passed another resolution designating the bridge park as a potential site for the whale sculpture, including park and seawalk elements along with Docks and Harbors pieces.

Mr. Watt spoke about the fill issues and habitat and view issues that would be augmented by creation of the seawalk. The Corps has identified the project as self-mitigating and the permit is in hand. The sculpture was being welded together now and was taking shape. The finalization of a ten year project was at hand.

A design package can be prepared by early summer and the funding stream was identified in the 16b and seawalk project, and there are passenger fees allocated to the seawalk project. He said

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about \$10.9 million has been identified in funding and the project would cost about \$10 million. He said there were recent concerns about the state economy expressed about the project, but the plan was a long term 30-year plan. The whale statue would be iconic to Juneau and good for tourism. The marine passenger fees were dedicated to use to aid and mitigate the cruise tourism industry and the seawalk would be a benefit to the industry.

West 8th Street would be in the CIP for upgrading to aid traffic to and parking in the area. Funds were in place, the project is permitted, and a few remaining coordination efforts need to take place to get the project moving forward. He said this was an interesting project for contractors and there were not a lot of competing projects at this time so the bidding climate would be competitive. There was \$675,000 of sales tax allocated for the project that would not be covered by Marine Passenger fees.

Mr. Kiehl asked about restrooms for visitors at the location. Mr. Watt said staff would propose a restroom location and work with Docks and Harbors collaboratively regarding funding and maintenance, as they would be required.

Ms. Crane asked about timing and if the funds were available to prepare the pool for the sculpture installation in the early fall. Mr. Watt said those issues were not completely worked out but staff would go into high speed because the whale would arrive and would need to be taken care of.

Mr. Nankervis asked for a breakdown of costs and funding sources. Mr. Watt said \$675,000 of sales tax would go to build the pool that the whale would be cited in, with a water feature, including pumps, plumbing and mechanical equipment adjacent to restrooms. Mr. Nankervis said the original estimate was \$2.8 million and the site prep would be \$1.3 million. He asked how much CBJ had spent to date on the project - if not available now, he would like that figure. Mr. Watt said the majority of the funds were spent on design and permitting. Mayor Sanford said those figures were old and were based upon a different project, incorporating the Whale Sculpture in Marine Park. Mr. Nankervis asked if CBJ was confident that passenger fees could be spent on this project. Mr. Watt said he had discussed this with the prior and current city attorney and was confident that it would be appropriate. Mr. Nankervis asked if there was any potential for generating revenue in the area. Mr. Watt said not currently but this was a discussion for Docks and Harbors.

Mr. Nankervis asked about maintenance costs for the project and who would be responsible for the maintenance. Mr. Watt said he did not have that information yet and Harbors was very interested in this. The seawalk would need to be maintained and cleaned, the water feature would need to be cared for, and whether it was Parks and Recreation or Docks and Harbors has not been determined. Mr. Nankervis said these costs should be anticipated in the FY16 budget. Mr. Watt said it would be in the FY17 budget due to the construction time period.

Ms. Troll asked if the Marine Passenger Fee would cover maintenance of the seawalk and the site. Mr. Watt said yes, for that, but not the pool / waterworks. Ms. Troll clarified that these funds could not be used for other projects. Mr. Watt said that was true for passenger fees - but not for the sales tax funds, which had been intended to be spent on this project.

Ms. Gladziszewski asked about what would be done with the whale if it arrived before the site was ready. Mr. Watt said the sculpture would be shipped in pieces and stored on site until it could be welded together. This was a first project of this type for the foundry. Mr. Watt said all the city funding needed was available in this year's CIP or in the FY16 CIP.

Ms. White asked for a copy of the memo stating that the island constructed was permitted and would appreciate any other information to answer the questions from the public and potential backlash that she anticipated that would be forthcoming.

Ms. Becker said she had heard a concern from the public about "building an island" and would need information to defend that action. Mr. Watt said the area was identified in the Waterfront Plan for environmental improvement or education activities. The island supporting part of the seawalk would offer access to the tidelands for school groups and visitors and habitat for sealife. There

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would be interpretive signage. The alternative was piling which was also expensive and would be a wash with the cost of an island.

Further discussion was held on the topic without further direction from the Assembly.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mayor Sanford provided a reminder about the joint meeting of the Assembly with the Bartlett Regional Hospital Board of Directors, at the hospital administrative building meeting room on March 25 at 5:15 p.m.

Mayor Sanford announced a Special Assembly meeting on April 20 with the business community on the Juneau Economic Development Plan at 6pm in the Assembly Chambers.

A contingent of guests from Whitehorse Sister City are able to visit Juneau on July 6 and Mayor Sanford noted attendance for that event.

Mr. Sanford asked the Assembly to respond to the 360 evaluation of Ms. Kiefer as soon as possible if they had not done so yet.

Ms. Crane asked for a report on Gastineau Apartments and a possible meeting to take action. Mayor Sanford anticipated more information to the Assembly on the next meeting of May 6 for Assembly action.

Mr. Kiehl noted that the next meeting for the Marijuana Policy Committee would be Thursday, April 9.

VI. ADJOURNMENT

Hearing no objection, the meeting adjourned at 7:29 p.m.

Submitted by Laurie Sica, Municipal Clerk

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 13, 2015 Committee of the Whole Minutes

ATTACHMENTS:

Description	Upload Date	Type
☐ April 13, 2015 COW Minutes DRAFT	4/21/2015	Minutes

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ASSEMBLY STANDING COMMITTEE COMMITTEE OF THE WHOLE THE CITY AND BOROUGH OF JUNEAU, ALASKA MINUTES

April 13, 2015, 6:00 PM.
City Hall Assembly Chambers

Assembly Worksession - No Public Testimony

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 6:10 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assemblymembers Absent: None.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Tom Mattice, Emergency Programs Manager; Hal Hart, Community Development Director; Kirk Duncan, Parks and Recreation Director; Matt Lillard, Eaglecrest Ski Are Manager; Beth McKibben, Planning Manager; Brent Fischer, Superintendent of Maintenance, Parks and Landscaping; Lauren Anderson, Treadwell Ice Arena Manager; Myia Wahto, Recreation Superintendent.

II. APPROVAL OF AGENDA

Ms. Kiefer requested the Assembly add a discussion about new information received on the status of the Gastineau Apartments. Hearing no objection, the matter was added to the agenda.

III. APPROVAL OF MINUTES

None.

IV. AGENDA TOPICS

A. HB 75 Letter at the Request of the Marijuana Committee

Ms. Kiefer said the Marijuana Committee requested that the Assembly send a letter in support of HB75 to the lobbyist and legislature. The draft letter was in the meeting packet for review.

Ms. Gladziszewski distributed an amendment to the letter for Assembly review, "The CBJ Assembly requests the bill be amended to include a "dual registration" process with respect to marijuana establishments. The Assembly believes that having the ability to regulate marijuana establishments through a local registration process independent of the State will provide the CBJ with effective additional enforcement tools... and included statutory language from Colorado Col. Rev. Stat.12-43.4-301. Local approval -- licensing." She would like to ask the legislature to allow local governments to regulate time/manner/place and other issues.

Mr. Kiehl said the marijuan committee considered both items. He recommended authorization of the letter in the packet and that the committee ask the lobbyist to work with Ms. Gladziszewski's amendment in any appropriate vehicle. He supported both but separately.

Mr. Jones asked about the variety of bills still under discussion at this late date of the session.

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Ms. Mead said that the next hearing was scheduled for Wednesday on what was HB75 and now was in the Senate CRA. SB 30 was a separate criminal bill. HB 75 was the bill municipal attorneys worked with Representative Tilton's office on drafting. Mr. Kiehl said there were marijuana control board bills in various locations.

Mayor Sanford asked why CBJ would want a dual responsibility. Ms. Gladyszewski said so there was a clear vehicle for what the locality wanted to do in order to regulate time, place and manner similar to the conditional use permit for marijuana establishments, in a body that was specifically knowledgeable about those issues. Mayor Sanford asked how this would relate to the action of the ABC Board and its relationship with the municipalities. Mr. Kiehl said this would be dual registration at the initial licensing with local criteria in a manner to "fit" Juneau. Colorado has a dual state and local license issued. This would allow the municipalities to set up a separate license, not require it. Mayor Sanford said the language cited referred to initial license and renewal of a license. Mr. Kiehl said that could be determined locally. Mayor Sanford said the local issues seemed to be covered now through the ABC and it just seemed like more government.

Mr. Kiehl said the committee did not pass on whether we needed a separate local regulatory authority, but from time to time we have found we have limited regulatory authority, so with something this important we want to make sure our rules count and to be able to tailor it to Juneau. Applications for marijuana establishments would be accepted by the state in February and there would be no further legislative session so we may not know all of the regulations.

Ms. Crane said this provided an option for municipalities and AML had been advocating for flexibility on the local level.

MOTION, by Kiehl, to approve the draft letter regarding HB75. Hearing no objection, it was so ordered.

MOTION, by Kiehl, to ask the lobbyist and legislative delegation to work toward the dual licensing.

Mr. Nankervis objected ask this seemed premature and would double up on regulations. There was not a local governing body on liquor. He was not comfortable with a second layer of licensing and regulation.

Ms. Troll supported moving ahead with dual registration as a placeholder to allow the community to have an option. Colorado shared this experience and found it was important for municipalities to have this option.

Mayor Sanford spoke about state regulation of alcohol and said he was open to listen but not ready to vote for it.

Roll call:

Aye: Crane, Jones, Gladyszewski, Kiehl, Troll

Nay: Becker, Nankervis, White, Sanford.

Motion passed 5 ayes, 4 nays.

B. Gastineau Apartment Building Update

Ms. Kiefer said the owner of the Gastineau Apartments contacted the Law Department today to talk about the option of establishing a demolition agreement with the CBJ and staff would like direction from the Assembly on whether or not to draft such an agreement and return it to the Assembly for review.

Ms. Mead said Mr. Barrett, the owner, contacted Mr. Palmer about this option. The appraiser would like access to the building and Mr. Barrett is being cooperative.

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Ms. Crane said she would support this only if there was certainty on how to proceed with a reasonable date. Ms. Mead said the timeline and actions could be specified upon direction from the Assembly. She said that Mr. Barrett and his mother originally thought they would have the building demolished by July.

Ms. Mead said if the owners failed to comply with a written demolition agreement, the city would need to step in and there was a process to obtain contractors and do the work which would take additional time. Mayor Sanford suggested two weeks to sign an agreement and August would be a stretch for demolition, he would rather see July.

Ms. Mead said the owners agreed the building needed to be demolished. The agreement would include the owners acknowledgement that if they failed to demolish the building, the city would do so at the owner's expense and would agree to the placing of a consensual lien for the amount of the work done. Ultimately if there were not compliance the CBJ could foreclose on the lien. She said this differed from eminent domain, in which a public purpose was defined for the property and the property was taken by the CBJ.

Mr. Jones supported the route the Assembly had chosen for eminent domain and Ms. Mead reported on that process and said through that the building could be demolished in early summer through that action. Mr. Jones asked how the two processes could run together. Ms. Mead said if the Assembly identified a public purpose, the Assembly would always retain a right to file for eminent domain - the two processes were not tied together and she was moving forward with the direction from the Assembly on eminent domain, but the owner had approached the CBJ with this option for action.

Ms. Troll asked about the options the Assembly had considered and Ms. Mead said that the declaratory judgment process would secure the right to place a lien on the property whereas the code enforcement process was slightly more chancy in regards to the placement of a lien.

Mr. Kiehl expressed his concerns about eminent domain. He said it was important to establish a project completion date vs. a start date. The benefit of this route was avoiding eminent domain, the downside was there could eventually be a vacant lot that stays vacant in the heart of downtown for an undetermined period of time

Ms. White said that the owner said he would have demolition bids back by April 30. Ms. Mead said that the owner said he had been in contact with 37 contractors and had not heard back from any. Ms. White stressed the need for the owner to take responsibility as soon as possible and Ms. Mead said she could have a draft agreement for the Assembly to review in the next two days for review at the Finance Committee meeting. Ms. Mead said the process taken depended on the end result.

Mayor Sanford said a cleared site would be easier to sell and he was not supportive of eminent domain at this time. He would need more information on costs.

The Assembly continued discussion and Ms. Becker summarized a motion for the committee:

***MOTION**, by Becker, to work with the Gastineau Apartment owner Mr. Barrett to sign a demolition agreement by April 30, to remove the building completely by July 1, 2015, and to continue the eminent domain process.*

Roll call:

Aye: Becker, Crane, Gladziszewski, Nankervis, Troll, White, Sanford

Nay: Jones, Kiehl

Motion passed, 7 ayes, 2 nays.

C. Emergency Plan and Mitigation

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Ms. Kiefer said Tom Mattice, Emergency Programs Manager, was present to discuss the all hazards mitigation plan and recent happenings that affected the plan.

Mr. Mattice said the All Hazards Plan was adopted in 2012. It was then updated with results from the Swiss Avalanche study - with recommendations to purchase property or do structural control in the avalanche path when grant funding was available. He said there was no money in a grant now to address mitigation. By using the study to define the problem and solution it opens the door for future funding. Lack of mitigation leaves exposure for future problems.

CBJ had been contacted by homeowners for assistance for mitigating the flooding of the Mendenhall River due to the glacial outburst, including home flooding and bank stabilization. The city held the vehicle to access federal grants for the homeowners. Homeowners were not able to apply for federal grants directly. The plan does discuss prioritization of projects but this needed to be updated so that funds could be issued fairly. He spoke about the grant process. He was trying to figure out the best way to spend potential mitigation grant funds and develop a methodology for funding mitigation projects. He was developing a grant funding matrix to consider as a template. He discussed benefits to the public, to the private property owner or to both.

Mr. Mattice said he was gathering information and cataloging information from the flooding events which identified the trouble spots and was creating new inundation mapping with the Corps of Engineers. In the next two months he would have a thorough catalog of damages from flooding incidents. He was working to understand the grants that were available. Many grants did not have pots of money associated but the application for funding would start the funding process. He reported on how some property had been bought by CBJ using grants in the Montana Creek area, which was a project that benefited the homeowners, the city, the roadway and fisheries.

The Assembly provided some thoughts on the matter and thanked Mr. Mattice for his work and report.

D. Ordinance 2015-23 An Ordinance Amending the Recreation, Parks and Community Centers Title to Add a New Chapter on Aquatics Facilities.

Ms. Kiefer said the packet included the past information brought to the committee, and added a memo from her based on questions from the Assembly on the direction that the Parks and Recreation Department was taking and the specific plan for the upcoming year.

***MOTION**, by Jones, to direct the attorney to draft a version b for consideration by the Assembly at the public hearing on April 27, amending the ordinance designating the Parks and Recreation Department Director as the empowered board's facility manager / chief executive officer.*

Mr. Jones spoke to the motion and said that the Parks and Recreation Director would have a dual reporting requirement - to the empowered board and to the city manager. He said he had seen this work in his experience and explained his rationale.

The Assembly discussed the concept and took turns expressing their thoughts and concerns on the matter. There were concerns about how the chain of command would work, how conflicts between direction from the board and from the manager would be resolved, resolving conflicts at the Assembly level and/or through discussion, dialogue and review of the rules, and setting up a "no-win" situation. Ms. Mead suggested general language would be needed to state that the Parks and Recreation Director in such a case was a CBJ employee first and answerable to the manager for all employment purposes. Ms. Crane asked for a three-year sunset clause, at which time the efficacy of the empowered board could be reviewed.

***Mr. Jones restated and augmented his motion:** to direct the attorney to draft a version b for consideration by the Assembly at the public hearing on April 27, amending the ordinance designating the Parks and Recreation Department Director as the empowered board's facility*

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manager / chief executive officer, clarifying issues in 67.10.080 (2) and adding a sunset clause of three years.

The Assembly and Manager discussed the elements of the budget of an empowered pool board and the budget process.

Ms. Becker asked if there was objection to the motion on the floor. Noting an objection, she asked for the roll to be called.

Roll call:

Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Sanford

Nay: Nankervis, Troll, White

Motion passed, 6 ayes, 3 nays.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 7:53 p.m.

Submitted by Laurie Sica, Municipal Clerk

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Title 49 Land Use Code - Proposed Changes to Subdivision Review

ATTACHMENTS:

	Description	Upload Date	Type
☐	April 30, 2015 - Laurie Boyce, CDD, re Subdivision Ordinance	4/30/2015	Cover Memo
☐	April 9, 2015 - Law Memo re Subdivision Ordinance	4/30/2015	Staff Report
☐	April 17, 2015 - Law Memo re Subdivision Ordinance	4/30/2015	Staff Report
☐	April 27, 2015 - Law Memo re Subdivision Ordinance	4/30/2015	Staff Report
☐	Ordinance 2015-03	4/30/2015	Ordinance



Community Development

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

DATE: April 30, 2015

TO: Assembly Committee of the Whole

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

FILE NO.: TXT2009-00001

PROPOSAL: Proposed CBJ Code changes regarding the subdivision of land.

ATTACHMENTS

Attachment A Draft Subdivision Ordinance No. 2015-03

BACKGROUND

Since 2007, the Community Development Department (CDD) has been working on proposed revisions to Title 49, the Land Use Code (Code), regarding the subdivision of land. The reasons for the proposed revisions are numerous. Some subdivision requirements in the existing Code originate from the 1960's. In the intervening 50-plus years, many amendments and additions were made to the Code resulting in a piecemeal approach to subdividing land. Furthermore, Code sections concerning subdivisions are scattered throughout Title 49. This has led to Code sections that conflict with each other, are out of date, or are repetitive. Additionally, general changes are needed in order to encourage orderly development within the Borough and reflect current subdivision practices.

While the original intent of this update was to create a stand-alone chapter for subdivisions as well as update land division requirements, the realization of a stand-alone chapter results in redundancies, confusion, and loss of requirements that apply to development other than subdivisions. This proposed ordinance, while not creating a stand-alone chapter, still accomplishes many of the goals of the original effort and keeps proposed key policy changes intact. The existing subdivision permit section in Chapter 15 of Title 49 is proposed to emulate much of the format initially proposed in Chapter 17 (the stand-alone chapter).

Although the majority of the proposed changes concern the subdivision of land, some of the changes do not. Minor changes or clarifications to other Code sections are included with this re-write that are not necessarily related to the subdivision of land. Since many of the Code chapters were already "open" for subdivision-related changes, other minor "housekeeping" changes were incorporated.

The Subdivision Review Committee (SRC), a subcommittee of the Planning Commission, worked with CBJ staff in the review and creation of these proposed changes. In October, 2014, the SRC finished its review of the proposed changes and moved it to a Planning Commission Committee of the Whole

meeting for overview and consideration. With unanimous approval, the Committee of the Whole at its November 13, 2014, moved the proposed changes, with one exception, to the full Planning Commission for public hearing. On December 9, 2014, the Planning Commission moved the proposed changes to the Assembly for approval.

Since then, the Law Department and Community Development Department staff worked together to prepare the re-write in ordinance format for Assembly consideration. During this holistic review, it was discovered that creation of a new chapter solely for subdivisions created issues in other parts of the Code. Unfortunately, it was determined that a new subdivision chapter could not be realized at this time. The key policy decisions that the Subdivision Review Committee worked on, and the Planning Commission approved, are generally present in this draft, but reformatted within the existing Code, specifically in Chapter 15, the Permits chapter.

The draft ordinance incorporating these changes was brought back to the Subdivision Review Committee (SRC) for review and to discuss key policy questions that arose during ordinance creation, such as privately maintained access in rights-of-ways, common wall subdivision setback rules regarding additional development along the common wall boundary, and triggers for street improvements when 250 average daily trips are exceeded in subdivisions along private roads. The SRC met March 17, March 24, and finished its review at its March 31, 2015, meeting. Since then, changes to the remote area subdivisions requirements were added to the draft ordinance in order to incorporate remote subdivisions that can be accessed by a road; currently, the Code only addresses remote subdivisions that can be accessed by navigable waterbodies. The SRC met on April 23, 2015, to provide policy direction regarding how a “roaded” type of remote subdivision can occur. Staff has incorporated this direction into the current draft ordinance. The SRC will meet in the following week to review these proposed changes to remote subdivisions, as well as proposed clarifications to privately maintained access roads. Additional policy direction and clarification is also needed, as outlined in the April 29, 2015, memo from City Attorney Amy Mead. At this point, the proposed subdivision ordinance is scheduled for the May 26, 2015, Planning Commission meeting.

Discussion and summary of the proposed changes by chapter are included below.

CHAPTER 49.10 Administration and Compliance

An earlier version of proposed changes to this chapter included a change in Planning Commissioner’s duties regarding right-of-way acquisitions; that change to this specific chapter is no longer proposed as it is covered elsewhere in this draft in a more appropriate section. Since the chapter was being reviewed at that time, the following minor housekeeping issues are proposed to reflect current practice:

Changes are proposed to this chapter to reflect the following:

- Planning Commission meetings are to be conducted under Robert’s Rules of Order, rather than Mason’s Manual (CBJ 49.10.130(d));

- Deletion of a specific term in CBJ 49.10.130(e), “and evidentiary” from development forms to make it more general rather than specific;
- Deletion of the term “under this section” as this section applies to the entirety of Title 49, not just this section (CBJ 49.10.620 Compliance order);
- Changes to Article VII, Wetlands Review Board as follows:
 - o A change to reflect that regular meetings will be held when necessary to conduct business instead of requiring mandatory monthly meetings. This change will alleviate the need to hold a required meeting even though there is no pending business to discuss (CBJ 49.10.770(a);
 - o A minor change to the Special Meetings and Public Notice sections to combine public notice requirements into one section (CBJ 49.10.770(b) and (c)); and
 - o Meetings will be conducted under Robert’s Rules of Order instead of Mason’s Manual (CBJ 49.10.790).

CHAPTER 49.15 Permits

Originally, changes to the Permits chapter were proposed to remove the Subdivision Permit section entirely (CBJ 49.15 Article IV) so it could be located in its own new chapter (previously proposed Chapter 17). However, as stated earlier, that proposed move created unexpected internal inconsistencies and issues within the entirety of Title 49. Therefore, the Subdivision permit section is still located within the Permits chapter, but is changed. Article IV, Subdivisions, as outlined below, incorporates much of the format proposed in the previously envisioned stand-alone chapter so that it is easier to use. Additionally, the process and requirements regarding subdivisions are made clear. Also, other sections within the Permits chapter needed changing, such as removing Major Subdivisions from the Conditional Use permit review section as Major Subdivisions are no longer proposed as conditional uses. The following changes, including minor and significant, are proposed as follows:

- Inclusion of a new section for permit application cancellation and withdrawal. This section proposes a mechanism for applications to be cancelled due to inactivity by the applicant. Currently, there is no provision in Code to cancel applications; this results in numerous “open” inactive permits, some decades old. Additionally, this section includes notification that if an applicant withdraws an application just prior to the public hearing, then the application fee will be forfeited. This new section will apply to all permit types, not just subdivisions. (CBJ 49.15.150, Application cancellation and withdrawal).
- The Public Notice section includes additions and changes to clarify the intent of the public notice requirement. These changes include allowing the Director to determine public notice sign locations, requiring possible additional signs, requiring notification to proximate CBJ-recognized neighborhood associations, and that public mailing cost will be incurred by the applicant rather than the CBJ (CBJ 49.15.230, Public notice). For example, some properties may be very large or have access from two or more rights-of-way. In cases such as this, the director can require additional public notice signs in order to ensure adequate public notice.

- The Development Permit Expiration section is deleted as it is incorporated into the new application and cancellation section in CBJ 49.15.150, as noted above (CBJ 49.15.240, Development permit expiration).
- A formatting change is made to the Effective Date section to clarify that major development permits are effective when filed with the clerk, while minor development permits are effective when signed by the Director (CBJ 49.15.239, Effective date).
- The Conditional Use permit section is amended to delete reference to Major Subdivision applicability; Major Subdivisions will no longer be reviewed as conditional uses. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. Currently, Major Subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. An additional minor change is added that the Planning Commission can condition a permit to include private, as well as public, utilities. (CBJ 49.15.330, Conditional use permit).
- Article IV, Minor and Major Subdivisions is deleted in its entirety with new and expanded requirements for subdivisions. This revised section seeks to fulfill the intent of the proposed stand-alone subdivision chapter. The purpose of this consolidation is to make it easier for the public to understand what is required for completing a subdivision development. It also will help staff administer the Code. With so many Code sections regarding subdivision requirements scattered throughout Title 49, a provision could be overlooked. Additional goals of these changes include helping to facilitate development by reducing initial upfront costs, as well as update subdivision rules to reflect current practices.
 - The permitting process and criteria for approval has been modified to better suit subdivision development, rather than using general land use permitting procedures.
 - **There are two types of subdivision permits proposed, each with its own process and requirements.** Minor Subdivisions (1 - 13 Lots), and Major Subdivisions (more than 14 Lots). Currently, many steps in the approval process are not clear or not described in Title 49. The bulk of the revisions address these discrepancies.
 - **MINOR SUBDIVISIONS –**
 - **1 to 13 Lots** - The threshold for Minor Subdivisions will increase from the current limit of four lots, up to thirteen lots. Currently, any subdivision over four lots is a major subdivision and requires two full public hearings before the Planning Commission. This new process allows director approval and no public hearings for subdivisions of 1 to 13 lots. Additional information might be required for subdivisions of more than 5 lots. This will allow the Director to evaluate and use discretion to approve these somewhat larger subdivisions. These subdivisions do have complex issues that can be adequately addressed and approved by the director when higher levels of standards are applied. Part of the approach to streamline the permitting process is to allow more applications to be approved by the director.

- **Two-step process** – There will be a clear two-step process for Minor Subdivisions, a preliminary plat and a final plat.
- **The director's decisions on Minor Subdivisions will be formalized with a Notice of Decision for the preliminary plat.** The purpose of this change is to clarify and standardize the approval process for Minor Subdivisions. The Notice of Decision will clarify the status of the subdivision and itemize all remaining conditions for completion. Public notice will be required for minor subdivisions. The preliminary plat Notice of Decision may also be used by the developer to assist with obtaining financing so that construction can occur which is required for final plat approval.
- **Public notice required for Minor Subdivisions** - Currently, public notice is not required for Minor Subdivisions, but with the proposed increase in lots, the abutting or directly adjacent neighbors will be notified that subdivision will occur on the property.
- **Privately maintained access in right-of-way option available** – Minor Subdivisions of 13 or fewer lots have the option to construct a 20' wide gravel privately-maintained access in the right-of-way. This is discussed in more detail later in the report.

o **MAJOR SUBDIVISIONS –**

- **14 or more lots** – The threshold for Major Subdivisions will increase from 5 lots to 14 lots.
- **Two-step process** – The current two-step process for Major Subdivisions will remain in place, preliminary plat and final plat. These two steps will require public hearings and approval by the Planning Commission. Conditions can be placed on the preliminary and final plats.
- **The criteria, or findings, for approval of Major Subdivisions will be modified.** Currently, the criteria for approval of Major Subdivisions are the same as those used for approval of Conditional Use permits. Currently, major subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. 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 be 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 zoning district and any future use of these lots must comply with the existing zoning district. These proposed changes to the criteria do not preclude the Planning Commission from placing conditions on the plat approval.

- **A pre-application meeting is required for Minor and Major subdivisions.** The purpose for requiring a pre-application meeting is to help identify any major issues and/or required improvements early on in the process before an applicant completes costly plans and reports for subdivision platting. A sketch plat is required at the pre-application meeting for Major Subdivisions. For Minor Subdivisions, a sketch plat may be required at the Director's discretion.
- **The submittal and approval of construction plans will be integrated into the subdivision permitting process.** Approval of construction plans and completion of public improvements are a fundamental part of subdivision development. However, these major components are not currently clearly integrated into the subdivision approval process.
- **Plat standards and requirements** - The requirements for preliminary plats and final plats are clear in the proposed ordinance for Minor and Major Subdivisions. There is confusion with the current Code requirements as to what applies for a minor subdivision preliminary plat and what is required for a Major Subdivision. These changes clarify the necessary requirements and standards.
- **Lot Design** – All lots will meet the minimum dimensional standards for the zoning district in that they are located in. This remains the same as with current Code requirements. The following lot types are exceptions to this requirement. Some of these existing exceptions are being amended, deleted, or expanded, as detailed below.
 - **The “minimum rectangle” or Director’s Discretion lot design** – this section of Code gives the director discretion to approve lot design that does not meet the minimum dimensional standards, but does meet minimum lot size requirements in cases of difficult topography or other circumstances. This section of code is being deleted in the draft ordinance as it has resulted in inefficient usage of land and poor subdivision design. Usually, this section results in lots that appear to be panhandles, but are not true panhandle design. Panhandle lot design is meant to apply to more rural lots that are large, but insufficiently wide; they result in two lots with shared access and a restriction that further subdivision is not allowed. The minimum rectangle section of Code has created lots that appear to be panhandles, but are not.
 - **Panhandle lots** – Panhandle lot design will include a limitation on the length of the panhandle – the portion that provides access from the road to the main portion of the lot. The panhandle portion cannot be longer than 300 feet in D-1 zone districts and 1-1/2 times the minimum lot depth in other residential districts. The minimum lot size for panhandle lots remains the same at 20,000 for those served by a public sewer system or 36,000 for those not served.

- o **Public use lots** – This is a new section of code that allows the Director for Minor Subdivisions and the Planning Commission for Major Subdivisions to waive the minimum dimensional requirements for lot size, width, and depth, as well as lot frontage requirements for lots that will serve in the public interest, such as a park, open space, public or private utilities, conservation lots, or similar uses. The current Code already allows conservation lots when they are adjacent to the Mendenhall Game Refuge Area. The proposed ordinance would remove that restriction and allow conservation lots in any location where conservation lot requirements are met. The Director or Planning Commission can place restrictions that limit building development, further subdivision, or other restrictions and will be noted on the plat.
- **Privately maintained access in rights-of-way** - This section is moving from the Public Improvements chapter (Chapter 35) to the Permits chapter, Chapter 15, and is expanded from its current use. Currently, the Director can approve a driveway access in an existing platted public right-of-way that has not been constructed for Minor Subdivisions and the Planning Commission can approve for Major Subdivisions up to 8 lots through the Conditional Use process. This allows development to occur on lots that were previously platted, and the right-of-way provided, but not built. Current Code requires that the street must be constructed to CBJ standards before development can occur. This existing section recognizes that many rights-of-way were previously platted “on paper”, but were not built. To provide relief to the lot owners along those unbuilt rights-of-way from paying for the cost of street improvements, they can apply for a driveway in a right-of-way permit. The current use of this permit type is that it only applies to previously platted subdivisions, not new subdivisions.

The proposed changes expand the use of this concept to allow development of a gravel road that will meet minimum Fire Access requirements (currently 20 feet) in new subdivisions in the right-of-way without paying for construction of a full road with pavement, sidewalks, curb, gutter, etc. The Director can approve a privately maintained access in a right-of-way that will serve no more than 13 lots and the total average daily trips (ADT) cannot exceed 250 trips. The owners will enter into an agreement sharing the maintenance costs and also releasing the CBJ from maintenance requirements or any improvements. It will be a stand-alone permit approved by the Director and available for Minor Subdivisions only, as more than 13 lots will generally result in more than 250 ADT. Further subdivision resulting in 250 ADT or more cannot occur until the road is built to CBJ standards; that cost will be incurred by the property owners, not the CBJ.

Owners that will be served by the privately maintained access road will be required to enter into an access agreement with the CBJ. This agreement acknowledges:

- o That the CBJ will not provide maintenance or snow removal;
- o That the agreement runs with the land and binds all heirs and successors;
- o That the CBJ is not liable for any injury, loss, or damage from the privately maintained access;
- o That the access road will not be blocked in any way;

- o That the CBJ will have unimpeded access in the right-of-way;
- o That the property owners will maintain the access road;
- o The CBJ will record the agreement with the State Recorder's Office for each lot or parcel of land subject to the agreement;
- o That the owners are required to pay for right-of-way upgrades when existing or proposed development served by the privately maintained access road exceeds 250 average daily trips;
- o The owners are prohibited from subdividing unless the access is upgraded or all property owners served by the privately maintained access sign a new agreement;
- o Any new development that increases the estimated traffic above 250 ADT shall pay a proportionate share of the costs of the right-of-way upgrades (the proportionate share shall be the percentage increase in average daily trips); and
- o The owners authorize the CBJ to amend the access agreement by adding a new owner only upon written approval of all existing owners subject to the original agreement, and the new agreement supersedes the previous agreement.

This section will clarify and provide a clear process for approving driveways in existing rights-of-way. (CBJ 49.15 Article IV Division 4)

- **Right-of-way Acquisitions** - Currently the Code does not address the unique situation concerning right-of-way acquisitions and associated platting requirements. This Code section 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. Regardless of the number of lots proposed, the intent is that right-of-way plats will be reviewed as minor Subdivisions by the Director. However, if the land acquisition will create a non-conformity to any of the lots, the Planning Commission will review it as a Major Subdivision and may condition approval. (CBJ 49.15.590, Right-of-way acquisitions.)
- **Monumentation** - The monumentation and platting requirements from Title 4 of the CBJ Administrative Code, as well as the monumentation sections from Chapter 35, are moving to this chapter to consolidate platting requirements in one location.
- **Remote Area Subdivisions** - The Remote Area Subdivisions section, the bulk of which is from Chapter 70, is now located in the subdivision section, Division 5, in order to consolidate the purpose, map citation, characteristics, and requirements for remote subdivisions for ease of use. Additional requirements as in Chapter 35. (CBJ 49.15, Article IV, Division 5).
- **Planned Unit Developments** – this section is amended to add reference to the Stormwater Best Management Practices manual regarding stormwater management. Additionally, the definition section at CBJ 49.15.680 is being removed and placed into CBJ 49.80, the definitions chapter, to consolidate all definitions in one location.

CHAPTER 49.25 Zoning Districts

Changes are proposed to this chapter to reflect the following:

- The zoning district boundary section is amended to reflect the proposed change from street vacations to the expanded public way vacations, as well as to delete a section that is no longer applicable. (CBJ 49.25.110(g) and (h)).
- Clarification is added, including renumbering, to minor and major development in CBJ 49.25.300, Determining uses.
- Article IV, Dimensional Standards, is being amended to reflect that the existing substandard setback exception section can be applied to street side yard setbacks as well as front yard setbacks, which reflects current practice. (CBJ 49.25.430(4)(K)).

CHAPTER 49.35 Public Improvements

This chapter was originally proposed for deletion in its entirety and move to the stand-alone subdivision chapter. The problem that arose with this approach is that public improvements not only apply to subdivisions, but also to development generally. By moving the public improvement requirements to the stand-alone chapter, this limited their applicability to subdivisions only. As such, Chapter 35 will remain. Changes that were proposed to the improvement requirements remain and are incorporated into this chapter, as outlined below:

- A general applicability section will replace CBJ 49.35.120 and 130 that combines the intent of both existing sections.
- Construction plans are required for most subdivisions; however, the existing Code does not make it clear how construction plan review and approval fits into the subdivision process. This amended section, as well as the subdivision process section in CBJ 49.15. Article IV, provides that needed clarity regarding the process as well as the requirements. (CBJ 49.35.140, Construction plans.)
- **Street standards** - The street standard requirements outlined below were proposed by the Ad Hoc Housing Subcommittee and then listed as a priority on the CBJ housing matrix in 2013. These changes were requested by the Public Works and Facilities Committee and drafted by staff to aid in the facilitation of affordable housing. The costs to put in the required infrastructure, namely roads, sidewalks, curbs, gutters, and drainage, are high. By reducing the standards, it is presumed that it will cost the developer less to subdivide the land and develop the lots. The theory is that more affordable housing will become available as the cost of the road improvements will not be passed along to the future homebuyer. This newly expanded option to create a privately maintained access road in new rights-of-ways enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. The existing and proposed street standards are outlined below.
 - o Currently, the following street construction standards apply. Different requirements apply if the subdivision is located within the Urban Service Boundary and in other circumstances, as shown below:

	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

- o The following street standards are proposed and provide an option for privately-maintained access as well as publicly-maintained access. The type of roadway required is proposed based upon average daily trips generated from the proposed subdivision. When this was created, the assumption was that a 13-lot subdivision would generally allow an accessory apartment. The accessory apartment traffic was assumed to be the same as a single-family dwelling. For 13 lots, each with an accessory apartment, the traffic would be close to the threshold of 250 ADT, which is the threshold for a Minor Subdivision.

As noted below in the table, paving is required in the PM-10 Non-Attainment Area, which essentially covers the entirety of the Mendenhall Valley (please refer to the draft map located at the end of Attachment A). The option for a gravel road is not available for proposed subdivisions subject to this area.

For subdivisions resulting in 13 lots or fewer, which generally generate less than 250 ADT, the developer can construct a 22' paved road that can be publicly maintained. This 22' road is not required to have sidewalks and streetlights are only required at the intersection of the new subdivision with the existing street system only. The other option for a developer is to construct a 20' gravel road, with approval by the Director, which will be privately-maintained. The owners within that subdivision will be required to share in the maintenance costs of the private access road and will enter in an agreement with the CBJ. Those owners will have to pay for street improvements (i.e., paving, one-sidewalk, curb and drainage on one side, streetlights) if the future subdivision will generate additional traffic over the 250 ADT threshold.

The proposed street standards are shown below:

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

* Or as required by the Fire Code at CBJ 19.10

** Right-of-way width may be reduced

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

- o **Right-of-way width reductions** – The Director now has the discretion to reduce right-of-way width requirements in some situations. Depending on the type of road or public

way, right-of-way widths can be reduced up to 25 feet in some situations. Other types of rights-of-way, such as stairways and alleys, may be reduced by up to 5 feet.

- o **Waivers** – In current Code, the Director for minor development and the Planning Commission for major development may waive certain improvements, such as curb and gutter requirements, in certain circumstances. Because the street standard requirements have changed significantly, those waivers are no longer needed. However, the option to waive the full construction of a required access road to neighboring unbuilt property still remains, as well as the option to waive constructing sidewalks and provide alternative pedestrian improvements instead.

CHAPTER 49.40 Access, Parking and Traffic

Changes are proposed to this chapter to reflect the following:

- The access requirements in Article 1, Access, will move to Chapters 15 and 35 respectively. The section will remain in “Reserved” status and the chapter title will be “Parking and Traffic” only. (CBJ 49.40.105 – 180).

CHAPTER 49.65 Specified Use Provisions

Changes are proposed to this chapter as follows:

- The bungalow lot and structure section is amended to clarify that Bungalow Subdivisions can occur in the D10-SF zone district. This is already reflected in the Table of Permissible Uses, but is missing from the list of applicable zoning districts here. (CBJ 49.65.610 and 620)
- Article VII, Common Wall Residential Development, is amended as follows:
 - o To make clear the two-step process of how common wall structures and subdivisions are created.
 - o To expand the parking and access requirements to include consideration of additional parking scenarios.
 - o To clarify existing confusion in Title 49 regarding when the side yard setback requirement applies and when the zero-setback applies and thus, where development can occur along the zero-lot line. This change reflects current practice by the CBJ.

CHAPTER 49.70 Specified Area Provisions

Changes are proposed to this chapter as follows:

- Proposed changes now make it clear which type of hillside development activities warrant department review or Commission review. Minor development activities on hillsides will be reviewed by the department and major development activity and/or any activity in a mapped hazard area will require commission review and approval. Currently, there is ambiguity in Article II, Hillside Endorsement, regarding when additional requirements are applicable. The existing exception section includes confusing wording; thus, this section has not applied consistently.

- Remote Subdivision Areas in Article XI are deleted and moved to Chapter 15, in the Subdivision Permit section. Additional improvement standards are located in Chapter 35, Public Improvements. (CBJ 49.70.1100-1120)

CHAPTER 49.80 Definitions

Notable new, amended, and deleted definitions are proposed as follows:

- Development permit is expanded to include subdivision permits, all types, as well as special use permits for cell towers;
- Public way is amended to also mean right-of-way;
- Roadway, right-of-way, and street are also clarified and expanded;
- The subdivision definition now makes it clear when subdivision is a noun – the land resulting from division or re-division of land into two or more lots – and when it is an action – the act of developing, constructing, or improving property with a subdivision. The definition also now deletes the reference to land leases of 55 or more years. This means that the CBJ will no longer consider long-term leases, such as those leased for affordable housing purposes, as a type of subdivision.
- New definitions are added as follows, many of which are moved from the Planned Unit Development section in CBJ 49.15. Article VI:
 - o Cluster wastewater system
 - o Common facilities
 - o Common open space
 - o Community wastewater and disposal system
 - o Conservation lot
 - o Density bonus
 - o Improved common open space
 - o Natural area park
 - o Panhandle lot
 - o Planned unit development
 - o Private improvements
 - o Privately maintained access road
 - o Public improvements
 - o Public square
 - o Quasi-public
 - o Radial distance
 - o Roadway width
 - o Sight distance
 - o Undisturbed common space

POTENTIAL POLICY IMPLICATIONS OF PROPOSED CHANGES

- These proposed changes expand when the Director makes final decisions and limits the Planning Commission's final decisions, such as by increasing the threshold for Minor Subdivisions. 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 the Director's decisions may come to the Planning Commission.
- The option to create a privately maintained access road in rights-of-ways (currently at 20-feet wide) enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. While this might enable lower income 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.
- Gravel roads are not allowed in the PM-10 Non-Attainment 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.
- Regarding public notice, the Minor Subdivision process now proposes a new public notice type that will notify abutting neighbors of a proposed subdivision (of thirteen lots or fewer). Minor Subdivisions currently have no public notice requirement. Since the threshold for Minor Subdivisions has increased from the previous threshold of four, this new public notice type was proposed. This adds another type of public notice. The proposed changes also give the director discretion to require additional signs and can also indicate where they can be placed.
- Conservation lots are currently limited to the Mendenhall Wetlands Game Refuge. The proposed change would remove that restriction and allow them to be created anywhere, expanding their applicability.
- Additional policy implications are outlined in the April 9, April 17, and April 30, 2015 memos from the Law Department.



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Assembly
CBJ Planning Commission
Kim Kiefer, CBJ Manager
Rob Steedle, CBJ Deputy Manager

FROM: Amy Gurton Mead, Municipal Attorney 
Robert Palmer, Assistant Municipal Attorney

DATE: April 9, 2015

SUBJECT: Remote Subdivisions and Ordinance 2015-02

On April 6, 2015, the Assembly adopted Ordinance 2015-02, approving an amendment of the remote subdivision area map to include Hidden Valley Tract B, thereby removing the requirement that remote subdivisions be accessible solely by navigable water.

Because Ordinance 2015-02 eliminated the distinction between remote subdivisions and other subdivisions under both current code and the proposed subdivision ordinance, Assembly comments made at the public hearing indicated an intention that Title 49 be amended for consistency with the new policy.¹

The purpose of establishing different types of subdivisions is to provide the rational basis for allowing varying subdivision improvement standards.² For example, prior to the adoption of Ordinance 2015-02, the purpose of remote subdivisions was to “relieve certain Land Use Code requirements (e.g. road standards, water and sewer requirements) for remote waterfront subdivisions – those which have virtually no chance of ever being connected to the CBJ road system.”³

In order to distinguish between the new “roaded” remote subdivision envisioned by Ordinance 2015-02 and other subdivisions such that the CBJ has a rational basis to require different (less stringent) standards of the new remote subdivisions, the defining characteristic of this new type

¹ If the intent is to process “roaded” remote subdivision applications under the new rules, the CBJ may wish to adopt a moratorium on the processing of such applications until the code is amended. Otherwise, it appears that under current code, there is no way for “roaded” remote subdivision applications to be approved, despite the new policy direction. See CBJ 49.15.460(5)(A) and (D).

² See also, CBJ 49.05.100(4). The purpose of Title 49 is “to ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare.”

³ See Memo from R. Palmer to Assembly dated January 30, 2015, citing from CBJ 49.70.1100 legislative history (parenthetical added).

of subdivision needs to be identified. More specifically, the new “roaded” remote subdivision needs to be distinguished from the other subdivisions currently recognized to which lesser road standards are applied – namely, rural subdivisions under current code, or those subdivisions generating less than 250 average daily traffic (ADT) trips under the proposed subdivision ordinance. It is primarily this question that must be answered before existing code can be amended.

Under current code, subdivisions are generally categorized based on geography. There are remote subdivisions accessed by navigable water, subdivisions within the urban service area, and “rural” subdivisions (where “rural” is defined as any part of the CBJ not designated by the Comprehensive Plan as being within the urban service boundary.) With respect to non-remote subdivisions, a lesser street standard is applied only to rural subdivisions. (CBJ 49.35.240.) In general, gravel streets with a minimum width of at least 28 feet (or 24 feet if the ADT is 250 or less) are allowed within rural subdivisions.⁴

Rural subdivisions do not exist under the proposed subdivision ordinance amending Title 49. Street width and paving requirements are no longer tied to where the development is located. In the proposed subdivision ordinance, street width requirements are dictated by ADT, regardless of subdivision location:

ADT	Sidewalks	Curb Drainage	Road width	Street lights	ROW Width ⁱⁱ	Paving req'd
≥ 500	Both sides	Both sides	26 ft.	Continuous	60 ft	Yes
251 to 499	One side	One side	24 ft.	All inter-sections	60 ft.	Yes
0 to 250	Not required	Not required	22 ft. ⁱ	Inter-sections at streets with external street system	60 ft.	No ⁱⁱⁱ

ⁱ Or, if privately maintained access road, 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 is required for any street within the PM-10 Non-Attainment Area Map. (The purpose of this caveat is to prohibit gravel roads in the Mendenhall Valley due to air quality standards.)

If the ADT is less than 250, a gravel street is allowed (unless in the Mendenhall Valley) with a minimum street width of 22 feet unless the “street” is a “privately- maintained access road,” in which case the minimum width may be consistent with that required by the Fire Code (currently 20 feet. CBJ 19.10.503.1.1)⁵

⁴ As opposed to streets in subdivisions within the urban service area, which must be paved and 28 feet wide with curbs, gutters, street lights, etc. In D1, D3 or RR, subdividers may construct “local access streets” (not intended for through traffic) that must be at least 26 feet wide, 22 feet of which must be paved. CBJ 49.35.240(a)(3)(A) and (B).

⁵ “Privately maintained access road” is defined in the proposed subdivision ordinance as 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

In order to allow a remote subdivision that is accessible by road (like all other subdivisions in the CBJ) but still exempt from standard subdivision requirements, the CBJ would need to distinguish between a “roaded” remote and a non-remote subdivision. As remote subdivisions will no longer be distinguishable by geography (meaning the requirement that access be provided by navigable water), a new defining characteristic differentiating this new type of subdivision needs to be identified.⁶

Once “roaded” remote subdivisions are distinguished from other types of subdivisions, the code could be amended to impose a lesser road standard than that imposed on other subdivisions. The code could be amended to allow this new type of remote subdivision to have an 18 foot gravel road (which is the minimum width necessary for safe vehicular use identified by the American Association of Highway and Transportation Officials Manual, as reported by the Engineering and Public Works Department), as long as it would generate no more than 250 ADT⁷ and conditional upon it being located outside the Fire Protection Area. (See Ordinance 94-11 for the Fire Protection Area map. Roadways within the Fire Protection Area require a minimum road width of 20 feet.) The road would not be eligible for public maintenance or fire protection service.⁸ Because the road would be a “privately maintained access road” as envisioned by the proposed subdivision ordinance, the subdivision would be limited to 13 lots (unless a rational basis could be articulated to allow for a different standard with respect to “roaded” remote subdivisions than the standard to be applied borough-wide. If this lot limit policy is changed, and privately maintained gravel access roads are allowed in major subdivisions, a rational basis for requiring some, but not all, major subdivisions to have publicly maintained, paved access would need to be articulated.)⁹

If the intent is not to allow “roaded” remote subdivisions accessible by vehicular traffic but rather to allow for a new type of “remote” subdivision that is not accessible by navigable water, this new type of remote subdivision could be defined as a subdivision only accessible by non-vehicular access (pedestrian or some motorized vehicle – ATVs, etc. – could be allowed). These new remote subdivisions would need to be located outside the Fire Protection Area and include an off-site parking requirement. This would allow these new “remote” subdivisions (not accessible by navigable water or vehicular traffic) to be exempt from subdivision improvement standards in the same way that remote subdivisions are under current and proposed code.

that an ordinary driveway provides access between a parcel of land and the public portion of the street, and is not for public access.

⁶ A “roaded” remote and non-remote subdivision cannot be differentiated solely on the basis of road width requirements. Doing so would allow a developer to “choose” the classification of the subdivision regardless of geographic location, thus allowing the developer’s choice of road width to dictate the subdivision improvements to be required.

⁷ Note that the accessory apartment ordinance (2015-07), with the amendment allowing accessory apartments where the primary residence is not connected to public sewer, allows for accessory apartments in these new “roaded” remote subdivisions.

⁸ Hidden Valley’s proposed 12 – 16 foot access road cannot meet these criteria because (1) it is less than the minimum standard necessary for safe vehicular use and (2) it is located on SECON’s property, which is within the Fire Protection Area.

⁹ The concept of “privately maintained access roads” contained in the proposed subdivision ordinance presents challenges that need to be discussed prior to the concept is adopted. Those issues are not specific to remote subdivisions and are not discussed in this memo.



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Subdivision Review Committee
FROM: Amy Gurton Mead, Municipal Attorney
Robert Palmer, III, Assistant Municipal Attorney
DATE: April 17, 2015
SUBJECT: Subdivision Ordinance

Dear SRC Members:

There are four subject areas we need policy direction on before we can finalize a draft of the subdivision ordinance (2015-03) for the Commission to review.

1. **Remote subdivisions.**

The policy issue that arose due to the conflict between the current and proposed subdivision code and the approval of a remote subdivision map amendment to include Hidden Valley Tract B, was outlined in the memorandum dated April 9, 2015.

Regardless of the direction provided – whether the SRC identifies a way to distinguish roaded remote subdivisions from other non-remote subdivisions or if the SRC decides to create a new type of remote subdivision not accessible by vehicular traffic (a “recreational” subdivision) – the Remote Area Map provision (49.15.441) should be deleted. Given that remote subdivisions are no longer defined by geography but will now be categorized as navigable remote and either roaded remote or “recreational,” where the latter two can appear anywhere in the CBJ, the map is no longer relevant.

The other code sections that will need to be revised based on the SRC’s direction are:

49.15.411(h)(5)	Preliminary plat
49.15.440	Purpose
49.15.442	Characteristics
49.15.443	Remote subdivisions
49.35.240(c)(4)	Street design and construction standards
49.35.310(e)(3)	Water systems

2. **Street standards.**

In the draft forwarded to the Commission by the SRC at section 49.35.240 Street design and construction standards, developers constructing subdivisions generating 250 ADT or less

may install a 22 foot gravel roadway (except in the Mendenhall Valley). There is no provision in the current draft requiring a subsequent developer who causes the ADT to increase above 250 to improve the gravel roadway. (In the current draft, 251 ADT and up require a paved roadway.)

If this was the SRC's intent, the only change that needs to be made is to remove 49.35.240(c)(3) *Cost equivalent*. (If there is no provision requiring the developer to incur the cost of the improvement, providing an alternative that allows a developer to develop the street to a different standard that is the 'cost equivalent' has no relevancy.)

If the SRC's intent is to require developers who cause the ADT to increase above 250 to incur the cost of paving (and any other required improvements), we suggest adding a new subsection to 49.35.240, just above the subsection on "cost equivalent," to read:

(3) It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements caused by any development that increases the estimated traffic above 250 average daily trips as determined by the director.

(4) *Cost equivalent*. If a proposed subdivision includes dedication of a right-of-way that extends an existing street, the director may allow a subdivider to construct all or a portion of the existing street, as well as the proposed street, to a standard of improvement that would result in a cost equivalent to that of meeting the full improvement standards for the construction of the proposed street. The director will base its decision to allow this cost equivalent alternative on whether the proposal meets or exceeds the intent of the original standard.

We were unsure what the intent of the cost equivalent section was. It would be helpful for the SRC to articulate its intent so that we may clarify that section.

And as Mr. Voelckers and I discussed, there appears to be a need for clarifying 49.35.240(a)(H), which currently reads:

(H) *Substandard width or improvements*. 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. Such determination shall be made by the department for minor subdivisions, and the planning commission for major subdivisions.

3. Street Maintenance.

Under the current, proposed draft, the 22 foot gravel road allowed per 49.35.240 must be a publicly maintained street absent specific language providing otherwise. (This is because we do not articulate any difference between the gravel 22 foot road and a paved 22 foot road with respect to public maintenance.) If that was the intent, there is no change recommended.

If it was not the SRC's intent to require the CBJ to maintain 22 foot gravel roads, we suggest amending the table at 49.35.240 to read:

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

4. Privately Maintained Access Roads

Section 49.15.434 is the section concerning privately maintained access road agreements. Subsection 9 provides:

The owners of the lots subject to this agreement are prohibited from subdividing unless the privately maintained access is upgraded or all the property owners served by the privately maintained access execute a new maintenance agreement.

As written, this subsection prohibits further subdivision unless the existing owners consent. If an original lot owner wants to subdivide one lot into two, or if another developer wanted to subdivide such that the ADT on the privately maintained access road increased beyond 250, the developer and the existing property owners would need to execute a new private maintenance agreement. Complications arise, however, if the existing owners refuse to execute a new private maintenance agreement. Allowing the existing owners the power to regulate an abutting property owner's ability to subdivide is an illegal delegation of the CBJ's zoning authority.

Could the CBJ refuse to approve a subdivision that is requesting to be served by the privately maintained access if the existing owners refuse to execute a new agreement? Yes, but only if there is vertical privity between the existing owners and the proposed developer (such that the proposed developer is a successor in interest to the original agreement) or if alternative access to a publicly maintained right-of-way is available to the developer.

A similar but slightly different issues is as follows: Because the CBJ cannot force the owner of the abutting property to sign the private maintenance agreement and because the CBJ cannot compel the owners of the subdivision with the privately maintained access road to modify the private maintenance agreement, the only time a privately maintained access could be allowed is when the abutting property has frontage on a publicly maintained right of way. Thus, if a subdivision wants a privately maintained access road, then in the subdivision process, the developer must provide access to the publically maintained right-of-way for the abutting property. (Think of a gated private subdivision with an independent 60' right-of-way along one side to provide access to the abutting property or a subdivision with a separate 30' panhandle.)

Both of these scenarios can be addressed by adding a new subsection to 49.15.433 Design criteria, to read:

(6) A subdivision proposed to be served by a privately maintained access is prohibited unless the abutting parcels have alternative and practical frontage on a publicly maintained right-of-way.

The final issue concerns “Landlocked” abutting public property (where the abutting property to the subdivision with a privately maintained access road is public property.) Under the proposed ordinance, the CBJ, as property owner of an abutting lot, may be in the position of having to sign a private maintenance access agreement in order for the subdivision to move forward. The CBJ may not be able to enter into a private maintenance agreement because the CBJ could not enter into an agreement with itself agreeing (indemnity, etc.). Nor does it make sense for the CBJ to execute a contract agreeing that “it” would provide maintenance as a property owner but that “it” wouldn’t provide maintenance as the CBJ.

To address this issue, we propose adding another new subsection to 49.15.433 to read:

(7) A subdivision proposed to be served by a privately maintained access is prohibited if publically owned property is served by the privately maintained access.

We look forward to seeing you next Thursday.



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Subdivision Review Committee
FROM: Amy Gurton Mead, Municipal Attorney
Robert Palmer, Assistant Municipal Attorney
DATE: April 29, 2015
SUBJECT: 2015-03 (re: Remote Subdivision & Privately Maintained Access Roads)

A. Remote Subdivisions.

The direction from the SRC was to:

1. Create a second type of remote subdivision that is accessed by a path. (See CBJ 49.15.441) (The SRC discussed allowing a path up to 15 feet wide, but that created an enforcement issue – see discussion below.)
2. Preclude non-street legal vehicular traffic. (CBJ 49.15.441)
3. Located outside the Fire Service Area and Roaded Service Boundary. (CBJ 49.15.441)
4. Provide that the lots can front a narrower right-of-way as long as the lots are required to have larger front yard setbacks (which then aren't eligible for a variance.) (CBJ 49.35.424(j)). The SRC should be aware, however, that should the full right-of-way width ever be needed, the CBJ will need to "take" the additional width from the abutting properties, at the CBJ's expense.

Additionally, the SRC authorized deleting the remote area map provision.

The following sections related to remote subdivisions have been amended. (These are highlighted in yellow for the SRC's convenience. The highlighting will be deleted before the ordinance moves forward.)

- 49.15.401(c)(4)(E)(iii) and 49.15.402(c)(4)(E)(ii) to include pioneer paths as an item to be reviewed by the director of engineering and public works as part of the subdivision process.
- 49.15.411(h)(5) Preliminary plat requirements. This amendment clarified that the CBJ would continue to allow remote subdivisions to be exempt from the subdivision

improvement standards related to water service, but it carves out an exception that accounts for Spuhn Island.

- 49.15.424 Access.
 - A new subsection was added to require CDD to designate one right of way as “principal access” to the subdivision. That is a current requirement that seems to have been inadvertently deleted at some point in the drafting process.
 - Added language requiring remote subdivisions to have 30 feet of frontage on a right of way.
- 49.15, Division 5, Remote Subdivisions, was amended to identify two types of remote subdivisions: one addressing access within a remote subdivision that is accessible by navigable water and another accessed by “pioneer path.” (CBJ 49.15.441). The latter may not be located within the roaded service area or fire service area, and can only be accessed by non-street legal vehicular traffic.

Policy note regarding the requirement that the pioneer path be located outside the roaded service boundary area: We could not conceive of a way to allow a “pioneer path” in the roaded service area, even if the remote subdivision it serves is outside the roaded service area. The narrowest path in the roaded service area in the draft forwarded previously by the SRC is 10 feet, which is intended to be used only by bicycles and pedestrians.

- 49.35.240 Improvement standards (note section title change from “Street design and construction standards” to “Improvement standards.” The change was to avoid any uncertainty about which provisions in that section could be varied.)
 - The cost equivalent section was deleted.
 - The section on “substandard width” was revised per the SRC’s direction.
 - The discretion to waive roadway improvements with respect to remote subdivisions accessible by navigable water was left intact.
 - A new section directed at remote subdivisions accessible by pioneer path was created.

1. The required right of way width was set at 60 feet. Within a remote subdivision, that required width can be reduced to no less than 40 feet, as long as an additional setback is required of the abutting properties such that the total potential right of way width is 60 feet. Again, if the full right-of-way width is ever needed (for example, because of development of abutting land), the CBJ will need to pay the property owners to “take” the additional width from the front yard setback.

2. Interior access within the subdivision is required to be by pioneer path. (As there is no vehicular access to the subdivision.)

3. The width of the path was set at 54 inches. The decision to limit the width of the path to 54 inches was after discussion with the Eng/PW

Director and a consideration of the typical width of a light duty vehicle. If the SRC believes that 54 inches is too narrow and wants to allow for a larger path, we will need to be careful to differentiate between the “no less than 10 feet” wide shared use pathways in CBJ 49.35.610(a). We’ve attempted to address this problem by specifying that the shared use pathway must be within the roaded service area.

Additionally, allowing a wider path allows for a potential enforcement problem. If the prohibition against non-street legal vehicles is not going to be enforced via design criteria, how will it be? What is the enforcement mechanism ?

The following policy questions related to remote subdivisions still need to be answered:

1. Are the pioneer paths going to be privately or publicly maintained? Note that publicly maintained “roads” “streets” or “paths” cannot not be allowed without taxing for the service. In order to provide public maintenance, a property must be within the roaded service area per CBJ 01.30.330 or a new service area would need to be created, as allowed by CBJ Charter, Section 11. (We can’t provide free maintenance because we would be establishing an inequitable taxing structure.)

2. If the pioneer paths are going to be privately maintained, should the size of the remote subdivision be limited to 13 lots consistent with the “privately maintained access road” concept? (That limitation was based on number of average daily trips, which doesn’t seem applicable, but there is likely a maximum carrying capacity of a pioneer path.)

3. Who is responsible for maintaining right of way within the subdivision? If it’s the CBJ, again, a new service area will likely be required. If it is not going to be maintained by the CBJ, how will we enforce maintenance requirements? (For example, without maintenance, grass or other debris left unattended could encroach on the path, creating a fire hazard if motorized vehicles like ATVs are allowed.) (Per 49.15.424(a), the ROW leading to the subdivision must be improved to CBJ acceptance and maintenance standards, meaning a new service area for remote subdivisions accessed by pioneer paths likely needs to be created so the CBJ can maintain it, or there would need to be a reason justifying the CBJ refusing to accept maintenance on a public ROW providing access to a subdivision. The ROW providing access to the subdivision being located outside the roaded service area could potentially be a reason justifying our refusal to accept maintenance.)

B. Private Access Maintenance Roads

Changes authorized by the SRC:

1. 49.15.433 now requires that abutting parcels have access to a publicly maintained ROW unless the abutting property owner is a signatory to the maintenance agreement.

2. 49.15.433 specifies that if the abutting property owner is a governmental body, alternative ROW access is required.

The following policy questions and issues that arose as a result of the consideration of the Dunn Street agreement need to be answered:

1. 49.15.434 Access agreements. Should the CBJ require that a homeowners association be established? Doing so would allow the homeowners as a group to obtain insurance for the private roadway, which may be something the CBJ should require.
2. Should insurance be required?
3. How should the CBJ define the scope of the year-round required maintenance to be provided and where should that direction be accounted for? In code? As part of the maintenance agreement? (If these privately maintained streets are open to the public, there is a duty of care that must be met.)
4. What is the CBJ's recourse if the homeowners fail to do the required maintenance?
5. Who is going to maintain the public right of way upon which a privately maintained access road sits? (If a giant tree in the right of way falls across the privately maintained access road, whose responsibility is it to clean it up? If it damages someone's property – like their car – whose insurance pays?)

3. Engineering and Public Works Comments

The Eng/PW director forwarded the following comments for the SRC's consideration:

1. 49.15.403: No criteria for when the director determines that a plat is not required. As a practical matter that might result in consolidations done without plats.
2. 49.15.423: Panhandle lots. – Should minimum lot size for a panhandle lot on the sewer system be based on zoning district as currently provided in the draft?
3. 49.15.433: Design criteria. – Need something to require that gravel roads be paved for the first 50' (or so). Otherwise gravel will get tracked out onto a paved road.
4. 49.15.434: Access agreement. – There should be a paragraph requiring that the residents perform minimum maintenance necessary (if the public utilities are installed) for the maintenance of water, sewer and electrical, and the ability of the Municipality (or electrical utilities) to shut off water, etc.
5. 49.15.580: City and Borough project review. There should be criteria for which projects should go to the commission for review (Roof repair? Moving a fire hydrant?).

6. 49.15.670 (j): Was it intentional to only require this of PUDs?.
7. 49.35.240(a) (1) (D): The standard detail for cul-de-sacs shows 60' radius (120 diameter) for the ROW and 40' radius (face of curb to face of curb). (If asked, CCFR would probably want something larger.) (AGM Note: changed per request.)
8. 49.35.240(a)(7)(B): This shows the turnaround diameter the same as the radius of the ROW. If you want 100' paved radius, then we need something like 140' ROW, reducible by up to 25'. I don't recommend changing either the ROW or the paved area. (AGM Note: Change made in draft subject to SRC direction).
9. Changes requested to 49.35.120 and the repeal of 49.35.130, which contained the provision related to construction standards. (AGM Note: these changes were made.)

Date
AGM to ____

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-03

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.

1
2 **Section 3. Amendment of Section.** CBJ 49.10.770, Meetings, is amended to
3 read:

4 **49.10.770 Meetings.**

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

7 (b) *Special meetings.* The wetlands review board may hold special meetings upon the
8 call of the chair or any two members. At least 24 hours before the meeting, personal notice
9 shall be given to each board member designating the time, place, and purpose of the special
10 meeting, or written notice shall be left at each member's usual place of residence. At least
11 24 hours before the meeting, copies of the notice shall also be delivered to the newspapers
12 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.~~

13 (c) *Public notice.* No business may be transacted at any special meeting except as
14 stated in the notice of the meeting. All meetings of the wetlands review board shall be
15 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.

16
17 **Section 4. Amendment of Section.** CBJ 49.10.790, Rules of Procedure, is
18 amended to read:

19 **49.10.790 Rules of Procedure.**

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

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

24 **49.15.150 Application cancellation and withdrawal.**

25 (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

1
2 additional 180 days. If an application is cancelled due to inactivity, the application fee shall
3 be forfeited.

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

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

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

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

21 **49.15.230 Public notice.**

22 The purpose of the following public notice requirements is to reasonably inform interested
23 parties that an application or matter is scheduled to be considered by the planning
24 commission at a specific date, time, and place. The public notice must generally describe the
25 application or matter. Unless otherwise provided 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 ~~on~~ at 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
permit or rezoning, as applicable, has been sought for the site, the date of the

1
2 hearing ~~thereon~~, and that further information is available from the director. The
3 developer shall maintain the sign and shall remove it within 14 days after final
4 action on the application.

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

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

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

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

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

24 **Section 8. Amendment of Section.** CBJ 49.15.239, Effective date, is amended
25 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.

~~A minor development permit shall be effective upon execution by the director. A major~~
~~development permit shall be effective upon approval by the commission. A development~~

1
2 ~~permit shall not be final until the disposition of any appeal thereof, or until the time for~~
3 ~~appeal has run and no appeal has been filed.~~

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

6 **49.15.330 Conditional use permit.**

7 (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular
8 zoning district according to the character, intensity, or size of that or surrounding uses.
9 The conditional use permit procedure is intended to afford the commission the
10 flexibility necessary to make determinations appropriate to individual sites. The
11 commission may attach to the permit those conditions listed in subsection (g) of this
12 section as well as any further conditions necessary to mitigate external adverse impacts. If
13 the commission determines that these impacts cannot be satisfactorily overcome, the
14 permit shall be denied. ~~The procedures and standards established in this section shall~~
15 ~~also be applied to major subdivision preliminary plat approval pursuant to section~~
16 ~~49.15.430.~~

17 ...

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

20 ...

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

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

26 **Article IV. Subdivisions**

27 **Division 1. Permits**

28 49.15.400 Purpose and applicability.
29 49.15.401 Minor subdivisions.
30 49.15.402 Major subdivisions.
31 49.15.403 Lot consolidations.
32 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

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2 article is intended to:

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

14 **49.15.401 Minor subdivisions.**

- 15 (a) A minor subdivision permit is required for the following:
- 16 (1) *Thirteen or fewer lots.* A minor subdivision permit is required for all
- 17 subdivisions resulting in thirteen or fewer lots. No minor subdivision application may
- 18 be filed or approved:
- 19 (A) If it is a part of or made in connection with a present or projected major
- 20 subdivision development as determined by the director;
- 21 (B) If the property is within a parcel any part of which has been
- 22 subdivided by a minor subdivision within the preceding 24 months, unless the
- 23 proposed subdivision creates no new lots; or
- 24 (C) For the subdivision of a parcel any part of which is within a landslide
- 25 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.

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

5 (5) *Right-of-way acquisition plats.* The minor subdivision process shall be used for
6 the review and recording of right-of-way acquisition plats filed by an agency of
7 government regardless of the number of lots affected, in accordance with CBJ
8 49.15.590 unless such acquisition creates any nonconforming lot, use, or structure.

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

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

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

17 (2) The department shall send written notice of the application to the owners of
18 abutting property following the director's determination that the application is
19 complete.

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

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

24 (A) The preliminary plat complies with CBJ 49.15.411.

25 (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.

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

(i) The subdivision meets applicable drainage and water quality

1
2 requirements.

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

6 (iii) The minor subdivision conforms to the requirements of this title
7 and that any proposed improvements can feasibly be constructed in
8 accordance with this title.

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

13 (5) The decision of the director will be set forth in a notice of decision, signed by
14 the director, with any conditions or plat notes required for final plat approval. If the
15 preliminary plat is denied, the applicant may submit a revised plat application,
16 without paying additional application fees, within 180 days from the date of the
17 notice of decision.

18 (d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall
19 submit complete sets of construction plans for all required improvements to the department
20 for review by the director of engineering and public works for compliance with CBJ
21 49.35.140.

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

25 (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 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.

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

(4) The director may place such conditions upon the granting of final plat
approval as are necessary to preserve the public welfare.

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2 (g) *Plat recording.*

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

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

9 **49.15.402 Major subdivisions.**

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

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

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

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

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

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

22 (4) The director shall prepare and submit a report to the commission addressing
23 the following criteria:

24 (A) Whether the preliminary plat complies with CBJ 49.15.411.

25 (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

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2 application and determined that:

3 (i) The subdivision meets applicable drainage and water quality
4 requirements.

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

8 (iii) The subdivision conforms to the requirements of this title and
9 that any proposed improvements can feasibly be constructed and will
10 conform to the requirements of this title.

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

15 (F) Any conditions of approval or plat notes recommended by the director.

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

23 (d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall
24 submit complete sets of construction plans for all required improvements to the department
25 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.

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

6 (3) The commission shall approve the application for a final plat if the following
7 criteria are met:

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

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

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

13 (D) The commission may place such conditions upon the granting of final
14 plat commission as are necessary to preserve the public welfare.

15 (g) *Plat recording.* The chair of the commission shall sign the plat upon a determination
16 that the final plat meets all of the requirements of this title and that all plat certificates
17 have been signed and notarized, and the applicant has submitted all documents required for
18 recording with the final plat in accordance with CBJ 49.15.412. The department shall file
19 the original plat with the State Recorder's Office at Juneau, at the applicant's expense.

20 **49.15.403 Lot consolidations.**

21 (a) An application for the consolidation of two or more abutting lots shall be submitted
22 on a form provided by the department along with the application fee. An applicant must
23 also submit one of the following:

24 (1) A plat prepared by a professional land surveyor licensed to practice in Alaska,
25 unless the director finds that a legal description of the new parcel and a drawing
showing all existing and proposed lot lines clearly identifies the new lot; or

(2) 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.

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

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

(2) CDD receives a certificate of payment of taxes from the CBJ Treasurer's office

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2 stating that all property taxes levied on the lots to be consolidated are paid in full.

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

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

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

7 (c) The decision of the director will be set forth in a notice of decision, signed by the
8 director. Upon director approval, the department shall prepare and provide to the applicant
9 a letter of lot consolidation. The letter shall provide for acceptance of the consolidation by
10 notarized signature thereon by the owner or owners of the new lot, and upon such execution,
11 the department shall record the document at the applicant's expense.

12 **49.15.404 Public way vacations.**

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

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

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

20 (1) A petition by the City and Borough or signed by the owners of a majority of
21 the land fronting the area sought to be vacated requesting the vacation.

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

24 (3) A sketch plat and all relevant submittals required by CBJ 49.15.410 showing
25 the area proposed to be vacated and the proposed configuration of all adjoining
26 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.

(7) If a traffic impact analysis is required or likely to be required as determined

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2 by the director, a traffic impact analysis in accordance with CBJ 49.40, Article III.

3 (d) *Commission review process.*

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

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

8 (3) The director of engineering and public works shall review and comment on the
9 application and will present written comments, including any recommended
10 conditions of approval, to the director of community development.

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

13 (5) The director shall submit a recommendation to the commission addressing the
14 following:

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

17 (B) Whether there is any current or anticipated future public purpose to
18 retain the area proposed to be vacated.

19 (C) Whether the proposed vacation will have a detrimental effect on the
20 adjacent property or on the neighborhood.

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

22 (6) The commission shall consider requests to vacate public ways after public
23 hearing. The commission shall presume that all public ways and similar public areas
24 are of value and of benefit to the public. The petitioner has the burden to prove
25 otherwise.

(7) After public hearing, the commission shall make a recommendation to the
assembly to approve, approve with modifications, or deny the proposed vacation
request. The commission shall prepare written findings in support of its
recommendation, which shall be forwarded to the assembly for its consideration. If
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 follows:

(A) The title to the public area vacated on a plat attaches to the lot or land
bordering the area in equal proportions, except that if the area was originally

dedicated by different persons, original boundary lines shall be adhered to so that the public area that lies on one side of the boundary line shall attach to the abutting property on that side, and the public area that lies on the other side of the boundary line shall attach to the property on that 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 paid over to the City and Borough on 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 within one year 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

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2 are incurred by the developer in preparation of a subdivision application.

3 (2) To inform the department of the applicant's development plans.

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

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

9 (c) A sketch plat shall include the following:

10 (1) A scaled drawing of the property, at a scale no smaller than 200 feet to an
11 inch.

12 (2) The size of the original tract or tracts being subdivided.

13 (3) A north arrow. The plat shall be oriented with north toward the top of the
14 sheet.

15 (4) The name of the owner.

16 (5) The approximate locations of existing lot layouts of adjoining properties.

17 (6) Any existing rights-of-way, easements, or other encumbrances.

18 (7) The approximate location of existing structures.

19 (8) The approximate location and sizes of existing sewer lines, water lines,
20 culverts, and other underground structures.

21 (9) Proposed phasing, if applicable.

22 (10) The number, dimensions, and approximate areas of all proposed lots.

23 (11) The locations and names of all planned streets or other public ways within the
24 subdivision.

25 (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 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.

(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.

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2 (G) The name and address of the owner of record.

3 (H) The case number for the preliminary plat.

4 (I) The parcel numbers of the property.

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

7 (2) Lot, block and street information:

8 (A) The area of each lot.

9 (B) The dimensions in feet and hundredths of a foot.

10 (C) An identifying number and letter for lots and blocks.

11 (D) Lots numbered consecutively commencing with the number "1" with no
12 omissions or duplications.

13 (E) If the remainder of an original parcel being subdivided is relatively
14 large, it shall be designated as a "tract" with an identifying number.

15 (F) All parcels of land intended to be dedicated for public use or reserved
16 for the use of all of the property owners in the proposed subdivision shall be
17 shown as lots, and consecutively numbered. The purpose and any conditions
18 or limitations on the use of the parcel shall be noted on the plat.

19 (G) Abutting properties shall be shown with dashed lines, numbers, and/or
20 letters.

21 (H) For resubdivisions or public way vacations, the lines and legal
22 description of the previous lots shall be shown with light dashed lines,
23 numbers, and/or letters, or by a separate plat on the same sheet showing the
24 previous lot lines.

25 (I) The minimum data shown for each curve shall be as follows:

(a) Length.

(b) Central angle.

(c) Radius.

(d) 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.

(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.

(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 rights-of-way within 100 feet of the subdivision boundary.

(B) Proposed rights-of-way, including their width 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 any easements within 100 feet of the subdivision boundary.

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

(F) All 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.

(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, one foot contour lines and 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 that shows 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, those 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.

(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. 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.

(8) Vicinity map.

(9) 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.

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

(1) A lot closure report.

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

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2 (h) *Additional mapping or reports.* If required by this title or by the director at the
3 director's discretion, the following additional mapping or reports shall be submitted with the
4 preliminary plat:

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

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

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

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

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

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

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

(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 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. 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 general solutions to the problem.

(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.* 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 CBJ 49.35.310(a), or to subdivisions of four or fewer lots. For subdivisions of five or more lots, including major subdivisions, the following shall be included where applicable in accordance with CBJ 49.15.412:

(A) 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.

(B) 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..

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

(D) 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 may be required 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 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. Such 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. All certificates shall be certified and 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)(corporation is) the owners 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 hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and 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 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 of payment of taxes and special assessments levied against the property from the CBJ Treasurer.

(2) Certification of approval of the Alaska Department of Environmental Conservation as to domestic water supply and sewage disposal.

(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; and

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

(5) Proof of construction plan approval.

(6) If a community water system is proposed, a certification of approval from the Alaska Department of Environmental Conservation is required. This requirement

1
2 does not apply to submittals for a subdivision of four lots or fewer. For subdivisions
3 involving five to thirteen lots, the following shall be included when applicable;

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

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

10 (1) One original reproducible plat on 22 by 34 inch sheets. The director may
11 approve other suitable sheet sizes and will determine whether additional copies of
12 the plat are required. The plat shall be drawn with black ink at a scale of one-inch
13 equals 100 feet or less. The director may approve other suitable scales.

14 (2) Any improvement guarantee in accordance with CBJ 49.55.

15 (5) Deeds, easements, or rights-of-ways for land that the applicant is transferring
16 to public agencies that are not dedicated or granted by the landowner's certificate on
17 the final plat.

18 (6) Written evidence of rights-of-entry or permanent easements on or across
19 private property not within the proposed subdivision that may be necessary to allow
20 construction and maintenance of subdivision improvements, to allow for and to grant
21 necessary slope rights, and any other similar needs.

22 **49.15.413 Plat expiration.**

23 A preliminary plat shall expire five years from the effective date of the notice of decision
24 unless substantial progress has been made in construction of required improvements or an
25 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 last plat of the area and the streets,
alleys or thoroughfares shown on are deemed to be the streets, alleys or thoroughfares

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 and after recordation will be considered effective as of the original date of the missing plat and will have has 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; or

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

(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, and 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.

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2 **49.15.421 Cul-de-sac lots.**

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

6 **49.15.422 Public use lots.**

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

11 (1) The director or the commission finds that there is no public purpose or need
12 that would be served by requiring the parcel meet these code provisions and are not
13 applicable for the proposed public or quasi-public use of the lot.

13 (2) Restriction of building development, further subdivision, and other limitations
14 or restrictions shall be noted on the plat in accordance with CBJ 49.15.412.

15 (3) For uses restricted from any building development, that the land be put into
16 some form of permanent protected status through the use of conservation easements,
17 deed restriction, or other instruments to assure building development will not occur
18 where prohibited.

18 (4) Unless otherwise provided, the minimum yard setback requirements may not
19 be waived with respect to lots abutting the public use lot.

19 **49.15.423 Panhandle lots.**

20 (a) The subdivision of a parcel with a panhandle lot may be allowed in order to facilitate
21 the subdivision of large parcels that are insufficiently wide but otherwise meet all other
22 requirements for subdivision. Panhandle lots may be created by subdivision under this
23 section if the new lots meet the following additional requirements:

23 (1) *Dimensional requirements.*

24 (A) The front and panhandle lots must meet all the dimensional and area
25 requirements of this title.

(B) No part of the panhandle portion of the lot shall be less than 30 feet
wide.

1
2 (C) The panhandle portion of the lot shall not be longer than 300 feet in D-
3 1 zones and 1-1/2 times the minimum lot depth in other residential zoning
4 districts.

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

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

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

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

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

20 (3) *Access and parking.*

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

24 (B) Off street parking shall be provided in an amount sufficient to meet
25 the requirements at 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

1
2 areas will be constructed and maintained by all future property owners.

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

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

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

13
14 **49.15.424 Access.**

15 (a) *Principal access to the subdivision.* The department shall designate one right-of-way
16 as principal access to the entire subdivision. Except for remote subdivisions solely accessible
17 by navigable water, such access, if not already accepted for public maintenance, shall be
18 improved to the applicable standards for public acceptance and maintenance. It shall be the
19 responsibility of the subdivider to pay the cost of the right-of-way improvements.

20 (b) *Publicly maintained access within a subdivision.* Unless otherwise provided, all lots
21 must have direct and practical access to, and a minimum of 30 feet of frontage on, the right-
22 of-way, or the minimum lot width for the zoning district or use as provided in CBJ
23 49.25.400. These requirements for frontage and access can be accomplished by:

24 (1) Dedication of a new right-of-way with construction of the street to public
25 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 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 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 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.
- (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 and public works departments for their 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 is met:

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

21 **49.15.434 Access agreement.**

22 An access agreement must be executed between the City and Borough and all property

23 owners proposed to be served by a privately maintained access road. The agreement must

24 identify the parties and the property, all signatures must be notarized, and the agreement

25 must include the following provisions:

- 21 (1) In exchange for the Grantee not being required to construct a road that can be
- 22 accepted for maintenance by the City and Borough, and for the City and Borough of
- 23 Juneau not maintaining the privately maintained access road, the parties execute
- 24 this agreement with the intent for it to run with the land and bind all heirs,
- 25 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
- Grantee is required to arrange for year-round maintenance and snow removal from
- the privately maintained access.

1
2 (3) The Grantee and the Grantee's heirs, successors, and assigns will defend,
3 indemnify and hold harmless the City and Borough from any claim or action for any
4 injury, loss, or damage suffered by any person arising from the design, maintenance,
5 or use of the privately maintained access.

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

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

10 (6) The Grantee and the Grantee's heirs, successors, and assigns will maintain
11 the privately maintained access road according to the conditions established in this
12 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
16 privately maintained access is to be located; or, in the case of lots created by
17 subdivision and served by the privately maintained access, those lots so created.

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

21 (9) The owners of the lots subject to this agreement are prohibited from
22 subdividing unless the privately maintained access is upgraded or all the property
23 owners served by the privately maintained access execute a new maintenance
24 agreement.

25 (10) Any development that increases the estimated traffic above 250 average daily
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
served by the privately maintained access. The proportionate share shall be the
percentage increase in average daily trips.

(11) The owners of the lots subject to this agreement authorize the City and
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.

49.15.435 Other requirements.

(a) If a permit for privately maintained access in the public right-of-way is approved, the

1
2 applicant must apply to the engineering and public works department for a permit to
3 construct the privately maintained access as required by CBJ 62.05, accompanied by final
4 construction plans. Additional fees and bonding may be required for final plan review,
5 inspection, and construction of the access road and utilities.

6 (b) The applicant shall install a street sign, to be provided by the City and Borough,
7 which shall indicate that the privately maintained access road is not maintained by the City
8 and Borough.

9 **Division 5. Remote ~~Area Map~~ and Subdivisions.**

10 **49.15.440 Remote subdivisions.**

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

13 **~~49.15.441 Map.~~**

14 ~~There is adopted the remote subdivision area maps A — E, dated June 5, 2006, as the same~~
15 ~~may be amended from time to time by the assembly by ordinance. For purposes of this Code,~~
16 ~~a remote subdivision is one located within a remote subdivision area as shown on the maps.~~
17 ~~The director may recommend an amendment to the maps upon a finding that the area~~
18 ~~recommended for designation as a remote subdivision area conforms to the characteristics~~
19 ~~specified in CBJ 49.15.442.~~

20 **49.15.441 Applicability.**

21 (a) A remote subdivision is a subdivision solely accessed by either a navigable waterbody
22 or a pioneer path.

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

Land proposed for inclusion within a remote subdivision area should not be:

(1) ~~In the general proximity of a capital improvement listed in the current capital~~
~~improvements program;~~

(2) ~~Subject to a new growth area master plan or other private plan adopted by the~~
~~City and Borough;~~

~~(3) — Connected to the road system; or~~

~~(4) — Served by a right of way, sewer system, water system, or fire protection service or police protection service operated or maintained by an agency of government.~~

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.

~~(b) — Access. A remote subdivision shall be exempt from the requirements for direct and practical access on, and a minimum 30 feet of frontage to, a publically maintained street upon a finding by the director for minor subdivisions or the commission for major subdivisions that the following conditions are met:~~

~~(1) — Sufficient and practical access is provided by at least 30 feet of frontage on a navigable waterbody.~~

~~(2) — There is no reasonable probability in the foreseeable future that frontage on a dedicated right of way will be necessary for access to the lot.~~

~~(3) — A pedestrian easement must be provided, with a minimum width of ten feet, along the lots on the upland side as close to the line of extreme high tide as is practical given topography and existing easements.~~

~~(c) — Water. Neither a community water system nor individual wells are required for subdivisions designated as remote.~~

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

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2 be returned to the original position and condition as nearly as possible or
3 replaced so as to perpetuate the position.

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

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

9 (2) *Witness corners.* If the point for a primary monument is in a place that would
10 be impractical to monument because of natural obstacles, a witness corner shall be
11 set. The witness distance must be shown on the plat of survey, from the existing
12 monument, as set, to the true corner position. Witness corners shall be set on a
13 survey property line and at a distance considered reasonable and practical from the
14 true corner point. Witness corners shall comply with the standards for primary
15 monuments.

16 (3) *Alternate monuments.* If conditions make it impractical to set a primary
17 monument, one of the following methods may be substituted:

18 (A) A two and one-half inch brass or aluminum cap may be grouted firmly
19 into a boulder; or

20 (B) A five-eighths inch minimum drive rod may be driven to a depth
21 necessary to provide a stable base for an aluminum cap. The depth of all
22 drive rods shall be noted on the plat.

23 (4) *Secondary monuments.* All lot corners, interior angle points and interior
24 curvature control points shall be monumented with at least a five-eighths inch metal
25 rod three feet in length with a one and one-quarter inch cap.

(5) *Monumentation installation.*

(A) Monuments shall be installed by the applicant's land surveyor at
points designated on the final plat.

(B) The applicant's surveyor must install monuments before the final plat
is filed with the State of Alaska recorder's office. The director of engineering
may require that monumentation be certified prior to final acceptance of the
subdivision improvements to ensure that any monuments disturbed or
destroyed during construction are reset.

(C) If construction begins prior to submittal of the final plat, all lot corners
adjacent to any proposed improvements must be staked throughout
construction.

(b) The following monumentation is required for subdivisions of five or fewer lots:

(1) All exterior corners of the plat and all corners of each lot shall be monumented with a five-eighths inch by 30 inch pipe or bar capped and marked as required by the director of engineering; provided, if a plat or lot corner is identical with a United States Survey, a United States Mineral Survey, or an Alaskan Tideland Survey, the primary monument shall be shown on the plat or reestablished and shown if not 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. ~~Design Review Permits~~ CBJ and State Project Review

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.

~~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.~~

(a) CBJ project review: The commission shall review proposed City and Borough capital improvement projects for consistency with this title and may recommend conditions on and modifications to such projects 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.

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

4 **49.15.590 Right-of-way acquisitions.**

5 (a) The minor subdivision permit process shall govern right-of-way acquisition plats,
6 except commission review through the major subdivision process shall be required if the
7 acquisition of property for a right-of-way would create a nonconforming lot, use, or
8 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.

9 (b) *Application requirements.*

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

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

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

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

18 (B) ~~CBJ 49.15.411(b)(2)(B), Subdivision design.~~

19 (C) ~~CBJ 49.15.411(b)(4), Water.~~

20 (E) ~~CBJ 49.15.411(b)(6), Traffic study.~~

21 (F) ~~CBJ 49.15.411(b)(7), Shadow plats.~~

22
23 (c) *Final plat submittal.*

24 (1) All applications for right-of-way acquisition plats must comply with the
25 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.

...

1
2 (j) *Stormwater management.* Facilities for the control and disposal of stormwater must
3 be adequate to serve the development site and areas draining through the site. Management
4 shall be in accordance with the Stormwater Best Management Practices manual. Where
5 appropriate, natural drainage channels, swales, or other similar areas within the common
6 open space may be used for stormwater management at the development. The homeowners'
7 association shall provide the engineering department with an evaluation of offsite drainage
8 outfalls for the additional runoff contributed by the planned unit development. The
9 commission may require construction of offsite drainage improvements necessary to
10 accommodate additional runoff from the development.

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

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

15 **49.25.110 Zoning maps.**

16 ...

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

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

24 **Section 18. Amendment of Section.** CBJ 49.25.300 Determining uses, is
25 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) ~~The following are the distinctions between minor and major development:~~
Minor development means development which is classified by zoning district as follows:

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

(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 ~~of totaling~~ 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 ~~of totaling~~ 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 ~~of totaling~~ 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 ~~of totaling~~ less than 10,000 square feet or using less than one-half acre of land in total.

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

(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.

...

1
2
3 (4)(K) *Existing substandard setbacks.* A new building may have a front yard setback or
4 street side yard setback equal to the average front yard setback or street side yard
5 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 setback
or street side yard setback shall be used to calculate the average.

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

7 For purposes of this section, the buildings used in averaging must be either conforming or
8 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
9 buildings allowed to project into setbacks cannot be used for averaging. In no instance shall
10 the required setback be less than half that required by this chapter or ten feet, whichever is
greater.

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

13
14 **Section 20. Repeal and Reenactment of Section.** CBJ 49.35.120 Extent and
15 nature of improvements, is repealed and reenacted to read:

16 **49.35.120 Public improvements; generally.**

17 (a) The developer must install all of the required improvements within the boundaries of
18 the development, and may be required to make improvements beyond the development
19 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.

20
21 **Section 21. Repeal of Section.** CBJ 49.35.130 Standard specifications, is
22 amended to read:

23 **49.35.130 Standard specifications.**

24 (a) *Compliance with specifications.* Except as otherwise provided ~~provided in this~~
25 ~~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.

1
2 (a) Subdivision street systems shall be designed for the most advantageous development
3 of the entire neighborhood area and shall meet the following criteria:

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

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

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

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

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

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

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

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

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

24 (C) Common access to all lots is required and back out parking is
25 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

1
2 new subdivision as needed.

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

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

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

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

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

14 **Section 24. Repeal and Reenactment of Section.** CBJ 49.35.220 Street names,
15 is repealed and reenacted to read:

16 **49.35.220 Street names.**

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

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

25 (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 140 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 or improvements.* Any previously platted right-of-way

1
2 with less than the minimum standards identified for the traffic generated shall be
3 improved to meet the minimum requirements established by this title. ~~Such~~
4 ~~determination shall be made by the department for minor subdivisions, and the~~
5 ~~planning commission for major subdivisions.~~

6 (b) *Right-of-way minimum width reductions.* The director may reduce minimum right-of-
7 way width requirements:

8 (1) For a collector, the right-of-way width may be reduced by up to 10 feet.

9 (2) For streets with less than 500 average daily trips, or a privately maintained
10 access road in a right-of-way, the width may be reduced by up to 25 feet.

11 (3) Where the dedicated right-of-way abuts and runs parallel to an exterior
12 property line, will serve as a half-street, and will be developed as a low volume street
13 or a driveway in a right-of-way, the width may be reduced by up to 30 feet.

14 (5) Alleys and stairway right-of-ways may be reduced by up to 5 feet.

15 (6) The director shall make written findings supporting right-of-way minimum
16 width reductions granted under this section. The director's findings shall state that:

17 (A) The applicant has provided room for electric utility features and
18 demonstrates that if the road is upgraded in the future to include additional
19 sidewalks that there is sufficient right-of-way for construction of the
20 sidewalks without need for retaining walls over two feet in height.

21 (B) There is sufficient right-of-way or easements to allow for drainage
22 improvements required by construction of the sidewalks.

23 (C) That any driveways shall be constructed to accommodate the
24 elevations of future sidewalks.

25 (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.

1
2 (2) *Minimum.* The minimum grade for all streets is one half percent.

3 (3) *Cross slope.* The minimum cross slope on all streets is 3 percent.

4
5 (4) *Exception.* Grades for all streets in hillside areas may be increased under certain circumstances according to Chapter 49.70, Article II, Hillside Development.

6 (e) *Intersections.*

7 (1) *Corner sight distance.* Corner sight distance must be in accordance with CBJ
8 49.35.240, however, in no case shall the sight distance be less than 200 feet.

9 (2) *Intersection angle.* Intersections of right-of-way lines must not be less than 60
10 degrees. The intersection of the centerline of the constructed roadway must not be less than 80 degrees.

11 (3) *Grade.* The grade for the approach leg of a new roadway at an intersection
12 must not exceed 2 percent for the first 30 feet, measured from the edge of the existing
13 roadway. The grade for the next 70 feet of the new roadway must not exceed 6 percent (See Figure 1).

14 (4) *Adjustment to grade.* In certain circumstances, the director of engineering
15 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.

16 (5) *Alignment.* A proposed street that will intersect with an existing cross street
17 shall, whenever practicable, align with an existing street intersection on the opposite
18 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).

19 (f) *Curves.*

20 (1) *Design.* Curves shall be designed in accordance with A Policy on Geometric
21 Design of Highways and Streets.

22 (2) *Vertical curve.* The minimum length of vertical curves is 200 feet unless
23 otherwise approved by the director of engineering and public works.

24 (g) *Cul-de-sacs.*

25 (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

1
2 modification to the length.

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

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

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

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

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

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

18 (F) Temporary cul-de-sacs must be extended to as close to the adjoining
19 property boundary as practical. If it is not practical to construct the
20 turnaround portion of the cul-de-sac at this location, then the right-of-way
21 must be extended beyond the temporary turnaround to the adjoining property
22 line, and the street extension constructed to standard (See Figure 4).

23 (G) If the temporary turnaround is constructed on property outside of the
24 subdivision boundary, curb, gutter, and sidewalks are not required for the
25 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 PM-10 Non-Attainment Area 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.

(i) *Street waivers.* The director, after considering the recommendations of the director of

1
2 the engineering and public works department and of the fire marshal, may waive the
3 following and no other street improvement requirements:

4 (1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a
5 right-of-way, the director may waive all or some of the construction requirements
6 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
11 public street at the location of the relocated right-of-way.

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

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

16 (E) No additional lots are being platted.

17 (2) *Stub streets.*

18 (A) The director for minor subdivisions and the commission for major
19 subdivisions may waive the full construction of a roadway within a right-of-
20 way that is required to provide access to a bordering property, and does not
21 provide required access to any lot within the subdivision. The commission or
22 director may require provision of a roadbed, utility line extensions, or other
23 appropriate improvements (See Figure 5).

24 (B) In addition, before final acceptance of subdivision improvements, the
25 subdivider must provide a financial guarantee to cover the costs of
constructing that part of the roadway improvements waived by the
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
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
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) *Cost equivalent.* If a proposed subdivision includes dedication of a right-of-way that extends an existing street, the director may allow a subdivider to construct all or a portion of the existing street, as well as the proposed street, to a standard of improvement that would result in a cost equivalent to that of meeting the full improvement standards for the construction of the proposed street. The director will base its decision to allow this cost equivalent alternative on whether the proposal meets or exceeds the intent of the original standard.~~

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

(1) *Right-of-way width.* The right-of-way width for a pioneer path providing access to a remote subdivision is 60 feet. The right-of-way for a pioneer path within a remote subdivision is 60 feet, but this requirement may be reduced by up to 20 feet, provided that an additional setback be required of all abutting properties such that the potential right-of-way width will be 60 feet is required.

(2) Interior access shall be provided solely by pioneer path.

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

(4) The width of a pioneer path shall not exceed 54 inches.

(k) *Responsibility for improvements.* It shall be the responsibility of the subdivider to pay the cost of the right-of-way and street improvements caused by any development that increases the estimated traffic above 250 ADT, 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

1
2 (2) If development of four or fewer is proposed within 200 feet of an existing
3 public water system.

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

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

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

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

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

23 (A) For development of five more lots, the developer must construct a
24 water system adequate to supply water for daily use. There are two types of
25 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

1
2 boundary of each proposed lot.

3 (d) The developer must submit the appropriate documents
4 that show the continued maintenance of the community water
5 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.

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

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

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

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

16 (i) *Residential use.* The proposed source and system for residential
17 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.

18 (ii) *Nonresidential development.* To determine quantity and
19 distribution requirements for nonresidential development, the
20 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.

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

24 (C) *Fire protection.* For a development of five or more lots proposed within
25 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

1
2 water supply system.

3 (2) Development of four or fewer lots.

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

6 (B) Fire protection requirements will be determined at the time the
7 individual lots are developed.

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

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

13 **Section 29. Repeal and Reenactment of Section.** CBJ 49.35.340 Oversizing

14 lines, is repealed and reenacted to read:

15 **49.35.340 Oversizing lines.**

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

23 **Section 30. Repeal and Reenactment of Section.** CBJ 49.35.340 Systems

24 required, is repealed and reenacted to read:

25 **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.

1
2 (2) If development of four or fewer lots is proposed within 200 feet of an existing
3 public sewer system.

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

7 (b) If a proposed development is located at greater distances from the existing public
8 sewer system than specified above, unless the developer chooses to connect to the public
9 system, then a private system is required. Either of the following acceptable private
10 systems may be installed.

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

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

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

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

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

(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.

1
2 (B) The director of engineering and public works shall review the report
3 and make a recommendation to the director for minor subdivisions and to the
4 commission for major subdivisions. The director of engineering and public
5 works will not make independent findings but will make a recommendation as
6 to the adequacy of the data provided and of the methodology proposed in the
7 report for wastewater treatment and disposal.

8 (C) If adequate soils are not available onsite, the applicant can propose
9 alternative methods for individual on-site wastewater systems. Alternative
10 methods may include mound systems, marine outfalls, or other suitable
11 wastewater systems. Review and approval of a proposal under this section
12 must meet the applicable requirements of subsections (i) and (ii) of this
13 section.

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

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

24 (2) *Limited maintenance contract required.* In addition, the property owners in
25 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.

(c) 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.

1
2 When the subdivider is required to install connecting lines, to increase the size of existing
3 public lines, or to install a distribution system as part of a subdivision proposal, the director
4 for minor subdivisions and the commission for major subdivisions, after reviewing a
5 recommendation from the director of engineering, may require any or all parts of such
6 installation to be oversized if the director of engineering finds it likely that within the
7 expected life of the new construction an increase in capacity will be required to serve other
8 areas.

9
10 **Section 32. Repeal of Section.** CBJ 49.35.430 Private treatment systems, is
11 repealed and reserved.

12
13 **Section 33. Repeal and Reenactment of Section.** CBJ 49.35.510 Drainage
14 plans, is repealed and reenacted to read:

15 **49.35.510 Drainage plans.**

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

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

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

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

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

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

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

1
2 the approved drainage plan.

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

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

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

9
10 **Section 36. Repeal and Reenactment of Article.** CBJ 49.35, Article VI
11 Pedestrian Access, is repealed and reenacted to read:
12

13
14 **ARTICLE VI. PUBLIC ACCESS**

15 49.35.610 Pedestrian and bicycle access in the roaded service area.
16 49.35.620 Streams and bodies of water.
17 49.35.630 Trailhead dedications or easements.
18 49.35.640 Acceleration and deceleration lanes.

19 **49.35.610 Pedestrian and bicycle access in the roaded service area.**

20 (a) *Shared use pathways.* Shared-use pathways for pedestrian and bicycle use within the
21 roaded service area may be required through blocks longer than 600 feet, or where deemed
22 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:

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

24 (2) *Construction standards.* Shared-use pathways, where required, must be
25 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.

- 1
- 2
- 3 (3) *Right-of-way width.* A shared-use pathway must be located in dedicated right-
- 4 of-way with a minimum width of 15 feet. The width of the right-of-way may be
- 5 modified by the director for minor subdivisions and by the commission for major
- 6 subdivisions, to accommodate the width of the fully constructed pathway and/or
- 7 topographic features of the site.
- 8
- 9 (4) *Construction timing.* Shared-use pathways must be constructed prior to
- 10 occupancy of any dwellings on lots located adjacent to the pathway, or at the time of
- 11 all subdivision improvements are accepted by the City and Borough, whichever
- 12 comes first.
- 13
- 14 (b) *Sidewalks.* The subdivider shall construct sidewalks according to table 49.17.525 in
- 15 any residential subdivision, in all streets furnished with curbs and gutters, and in any
- 16 commercial subdivision within the Urban Service Area.
- 17
- 18 (1) *Minimum width.* The minimum width of sidewalks is five feet.
- 19
- 20 (2) *Waiver.* The director, after consulting with the director of engineering and
- 21 public works, may waive the requirement for sidewalks and allow alternative
- 22 pedestrian improvements to be constructed upon a written finding that the
- 23 alternative will:
- 24
- 25 (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.

18 **49.35.620 Streams and bodies of water.**

19 The developer shall convey such easements or make such dedications as may be made

20 necessary in order to provide public access to all streams and public bodies of water.

21

22 **49.35.630 Trailhead dedications or easements.**

23 The developer shall convey such easements or make such dedications as may be made

24 necessary in order to provide public access to existing trails.

25 **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:

1
2
3 **CHAPTER 49.40**

4 **ACCESS, PARKING AND TRAFFIC**

5
6 **Section 39. Repeal of Article.** CBJ 49.40, Article I Access, is repealed and
7 reserved.

8
9 **Section 40. Amendment of Section.** CBJ 49.65.610 Bungalow lot subdivisions, is
10 amended to read:

11
12 **49.65.610 Bungalow lot subdivisions.**

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

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

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

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

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

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

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

25 **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 ~~that are~~ where each dwelling and underlying property is held under separate ownership.

Section 43. Amendment of Section. CBJ 49.65.705 Procedure, is amended to read:

49.65.705 Procedure.

~~An application shall be made for a development permit to construct a common wall residential structure. An application for four or fewer units shall be considered under the department approval process and one for over four dwelling units shall be considered under the allowable use 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
2
3 (1) *Department review.*

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

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

6
7 (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.

8
9
10 (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.

11
12 (B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

13
14 (2) *Planning commission review.*

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

16 (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.

17
18 (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.

19
20 (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.

21
22 (B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.
23
24
25

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.

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

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

1
2 dwellings in accordance with CBJ 49.40.

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

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

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

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

10 **49.65.740 Density.**

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

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

16 **49.65.750 Dimensional standards.**

17 ...

18 (3) ~~Minimum side yard setback. The minimum side yard setback from the common~~
19 ~~property line is reduced to zero feet for the common wall only. The remaining side yard~~
20 ~~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,~~
21 ~~D 15, D 18 or MU2 zone. For any significant part of the structure opposite the common~~
22 ~~property line but not connected to the structure on the other lot, a five foot minimum~~
23 ~~setback from the common property line shall be maintained or a minimum five foot~~
24 ~~maintenance easement and adequate homeowners agreement provided. The minimum side~~
25 ~~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.

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) This article does not apply to~~ 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.

~~(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.~~ Except as set forth in section 49.70.210, all 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.

1
2 **Section 52. Repeal and Reenactment of Section. CBJ 49.70.40 Submission**

3 requirements; application, is repealed and reenacted to read:

4 **49.70.240 Application.**

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

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

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

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

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

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

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

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

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

23 (B) Water bodies, tidelands and drainage ways, and temporary and
24 permanent drainage systems from the development site to the accepting
25 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.

1
2 (4) *Time of exposure and soil retention.* The developer shall minimize the period of
3 time that soil is exposed and shall employ mats, silt blocks or other retention
4 features to maximize soil retention.

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

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

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

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

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

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

25
26 **Section 54. Amendment of Section.** CBJ 49.70.270 Conditions on approval, is
27 amended to read:

28 **49.70.270 Conditions on approval.**

29 The commission or director may place conditions upon a hillside development endorsement
30 as necessary or desirable to ensure that the spirit of this chapter will be implemented in the
31 manner indicated in the application. Fulfillment of conditions shall be certified by the
32 engineer. The conditions may consist of one or more of the following:

33 (1) *Development schedule.* The commission or director may place a reasonable
34 time limit on or require phasing of construction activity associated with the
35 development or any portion thereof, in order to minimize construction-related
36 disruption to traffic and neighbors or to ensure that the development is not used or
37 occupied prior to substantial completion of required improvements.

1
2 (2) *Dedications.* The commission or director may require conveyances of title or
3 other legal or equitable interests to public entities, public utilities, a homeowner's
4 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.

5 (3) *Construction guarantees.* The commission or director may require the
6 posting of a bond or other surety or collateral providing for whole or partial
7 releases, in order to ensure that all required improvements are constructed as
specified in the approved plans.

8 (4) *Lot size.* If justified by site topography, the commission or director may
9 require larger lot areas than prescribed by zoning requirements.

10
11 **Section 55. Amendment of Section.** CBJ 49.70.710 Subdivisions in transition
12 zones shadow platting, is amended to read:

13
14 **49.70.710 Subdivisions in transition zones shadow platting.**

15 (a) *Contents of application.* When a plat is submitted under chapter 49.15, article IV for
16 a ~~major~~ subdivision of five or more lots in a transition zone, the application shall include a
17 shadow plat of the property. The shadow plat shall be a sketch plat overlay of the actual lot
18 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.

19 (b) *Commission decision.* The director for minor subdivisions, and the commission for
20 major subdivisions shall review and approve the application ~~for a major subdivision~~ based
21 on how well the proposed lot layout will lend itself to future resubdivision as well as other
22 requirements of this title.

23 **Section 56. Amendment of Section.** CBJ 49.80.120 Definitions, is amended to
24 read:

25 **49.80.120 Definitions.**

Development permit means department approvals, subdivision permits and
approvals, allowable use permits, special use permits and conditional use permits.

...

1
2 ~~Minor development means a subdivision of four or fewer lots in any zoning district;~~
3 ~~minor development is also classified by zoning district as follows:~~

4 ~~Rural Reserve District: A residential development containing two or fewer~~
5 ~~dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a~~
6 ~~nonresidential building of less than 10,000 square feet or using less than one~~
7 ~~acre of land.~~

8 ~~Single Family Residential Districts: A residential development containing two~~
9 ~~or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly~~
10 ~~basis, or a nonresidential building of less than 5,000 square feet or using less~~
11 ~~than 10,000 square feet of land.~~

12 ~~Multifamily Family Residential Districts: A residential development~~
13 ~~containing eight or fewer dwelling units, eight or fewer bedrooms leased on a~~
14 ~~daily or weekly basis, or a nonresidential building of less than 5,000 square~~
15 ~~feet or using less than 10,000 square feet of land.~~

16 ~~Commercial and Mixed Use Districts: A residential development containing 12~~
17 ~~or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly~~
18 ~~basis, or a nonresidential building of less than 10,000 square feet or using less~~
19 ~~than one half acre of land.~~

20 ~~Industrial Districts: Non-residential buildings of 15,000 square feet or using~~
21 ~~less than one acre of land.~~

22 ...

23 ~~Public sewer and water system means any system that is operated by a municipality,~~
24 ~~governmental agency, or a public utility licensed as such by the state for the collection,~~
25 ~~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 strip a defined area of land, including surface, overhead and~~
~~underground space, reserved or granted by deed, easement or dedication condemned and~~
~~occupied or intended to be occupied by a for a street, alley, utility, walkway, sidewalk, 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.~~

...

1
2 *Street* means ~~the entire right of way of a public way which affords the principal means~~
3 ~~of access to properties abutting the right of way a thoroughfare improved or intended to be~~
4 ~~improved for travel, permanently open to general public use that affords the principal~~
5 ~~means of access, frontage and address to individual buildings, lots and blocks. Streets~~
6 ~~include a pioneer path, road, avenue, place, drive, boulevard, highway or other similar~~
7 ~~means of public thoroughfares except an alley. Unless otherwise indicated, the term street~~
8 ~~shall refer to both public and private streets.~~

9 ...

10 *Street, ~~major~~ arterial*, means a street with access control, channelized intersections,
11 restricted parking, and which collects and distributes traffic to and from minor arterials and
12 collectors.

13 ...

14 *Subdivider* means the developer or owner of a subdivision.

15 ...

16 *Subdivision* means ~~the division, redivision, or development of land into two or more~~
17 ~~lots, or land leases of 55 or more years the division or redivision of a tractor or parcel of land~~
18 ~~into two or more lots, sites or other divisions and the act of developing, constructing or~~
19 ~~improving property with a subdivision as required by CBJ Title 49.~~

20 ...

21 *Urban service boundary* means the boundary of the urban service area established in
22 the comprehensive plan.

23 **Section 57. Amendment of Section.** CBJ 49.80.120 Definitions, is amended by
24 the addition of the following definitions to be incorporated in alphabetical order:

25 *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 of common open space. Streets may be located in but shall not be included in the calculation
3 of common open space.

4 *Community wastewater and disposal system* means a system with a shared
5 wastewater treatment and collection system under some form of common ownership, other
6 than public ownership, that collects wastewater from two or more dwellings and conveys it
7 to a treatment plant and disposal system located on a suitable site near the dwellings.

8 *Conservation lot* means an undeveloped or remediated parcel where building
9 development is permanently prohibited. A conservation lot is intended to preserve open
10 space, environmentally sensitive areas, scenic views, wetlands, and buffers.

11 *Density bonus* means an increase in allowable density above that otherwise allowed
12 in the zoning district in which the planned unit development is located.

13 *Improved common open space* means common open space containing common
14 facilities, recreational equipment, parks, gardens, picnic areas, landscaping, or other
15 outdoor improvements.

16 *Natural area park* means a lot owned by a government and characterized by areas of
17 natural quality designed to serve the entire community by providing fish and wildlife
18 habitat, open space/natural areas, access to water, and opportunities for passive and
19 dispersed recreation activities. Development is prohibited except for structures, roads, and
20 trails necessary for public use, education, maintenance, and protection of the resource.

21 *Panhandle lot* means a lot where the only owned access to the right of way is a
22 narrow strip of land, the width of which is less than the minimum required by code.

23 *Pioneer path* means an access path for pedestrian, equestrian, human powered
24 vehicles, all-terrain vehicles, snow machines, and similar off-road recreational vehicles
25 weighing less than 1,000 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.

1
2 *Privately maintained access road* means a road that the department or the
3 commission has permitted to be constructed at less than full public street standards in an
4 existing right-of-way. Privately maintained access roads can be used by the public and can
5 provide access to more than one parcel, but will not be publicly maintained. A privately
6 maintained access road is distinguished from an ordinary driveway in that an ordinary
7 driveway provides access between a parcel of land and the public portion of the street, and is
8 not for public access (See Figure 6).

9 *Public improvements* means any construction incidental to servicing or furnishing
10 facilities to a development, including but not limited to: streets; retaining walls; street signs
11 and markings; curbs and gutters; street lights and associated power conduits; sidewalks;
12 shared use pathways; sewer mains, pump stations, service laterals, manholes, cleanouts and
13 all associated parts; storm sewer mains, manholes, catch basins, pump stations, service
14 laterals, and all associated parts; water mains, fire hydrants, service laterals, valves, pump
15 stations, reservoirs, and all associated parts.

16 *Public square* means an area dedicated for public use for temporary leisure,
17 assembly, markets, and similar uses.

18 *Quasi-public* means property or infrastructure that is normally owned by the public
19 sector, but owned by the private sector serving in the public interest.

20 *Radial distance* means the shortest distance measured along a radius extending from
21 a point of the object being measured from to a point on the object being measured to.

22 *Roadway Width* is measured as the paved section of a paved street or from shoulder
23 to shoulder on a gravel street.

24 *Sight distance* means the distance that a driver needs to react appropriately to a
25 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 58. 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