

Agenda

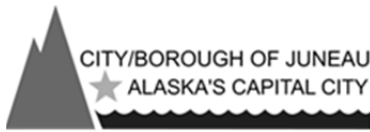
**Planning Commission - Subdivision Review Committee
City and Borough of Juneau
Paul Voelckers, Chairman**

May 5, 2015

Marine View Building 4th Floor Conference Room 404

5:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **AGENDA TOPICS**
 - A. TXT2009-00001, proposed subdivision ordinance
- IV. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- V. **ADJOURNMENT**



**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.)

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
13 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.~~

14 (c) *Public notice.* No business may be transacted at any special meeting except as
stated in the notice of the meeting. All meetings of the wetlands review board shall be
publicly noticed in the same manner as other City and Borough boards and commissions,
15 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:

- 26 (1) Permit consideration shall be included as an item in the posted agenda.
- 27 (2) Notice of the commission meeting, and the agenda item shall be published
28 in a newspaper of general circulation in the City and Borough a minimum of ten
29 days prior to the date of the meeting.
- 30 (3) The developer shall post a sign ~~on~~ at the site or other location approved by the
31 director at least 14 days prior to the meeting. If the proposed development is on the
32 road system, the ~~The~~ sign shall be visible from a public right-of-way. Signs shall be
33 between four square feet and 32 square feet in area, shall have a red background,
34 and shall indicate in white lettering, 216-point font or larger, that a development
35 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.

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

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

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

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

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

18 **Section 8. Amendment of Section.** CBJ 49.15.239, Effective date, is amended
19 to read:

20 **49.15.239 Effective date.**

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

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

25 ~~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.~~

13 ...

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

16 ...

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

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

22 **Article IV. Subdivisions**

23 **Division 1. Permits**

- 24 49.15.400 Purpose and applicability.
- 49.15.401 Minor subdivisions.
- 25 49.15.402 Major subdivisions.
- 49.15.403 Lot consolidations.
- 49.15.404 Public way vacations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

1
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
accurate legal descriptions for land conveyance.

11 (b) This article shall apply to any division or redivision of real property within the City
12 and Borough. This article shall not apply to cemetery plots or land leases.

13 **49.15.401 Minor subdivisions.**

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

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

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

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

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

24 (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.

25 (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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

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

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

(A) The preliminary plat complies with CBJ 49.15.411.

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

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

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

(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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

requirements.

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

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

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

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

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

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

(f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The 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.

1
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

1
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.

1
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

1
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

1
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

1
2 dedicated by different persons, original boundary lines shall be adhered to so
3 that the public area that lies on one side of the boundary line shall attach to
4 the abutting property on that side, and the public area that lies on the other
5 side of the boundary line shall attach to the property on that side. The
6 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.

7 (B) If the City and Borough acquired the vacated area for legal
8 consideration, or by express dedication to and acceptance by the City and
9 Borough other than as a subdivision platting requirement, then before final
10 vacation the fair market value of the vacated area shall be deposited with the
11 platting authority to be paid over to the City and Borough on final vacation as
12 required by CBJ 53.09.600.

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

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

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

23 (1) If the request involves a vacation that includes the resubdivision of thirteen or
24 fewer lots, the submittal and platting requirements for a minor subdivision shall
25 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

1
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,
7 drainage and utilities requirements.

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

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

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

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

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

16 (4) The name of the owner.

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

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

19 (7) The approximate location of existing structures.

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

22 (9) Proposed phasing, if applicable.

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (G) The name and address of the owner of record.
 - (H) The case number for the preliminary plat.
 - (I) The parcel numbers of the property.
 - (J) The name, address, and telephone number of the surveyor preparing the preliminary plat.
- (2) Lot, block and street information:
- (A) The area of each lot.
 - (B) The dimensions in feet and hundredths of a foot.
 - (C) An identifying number and letter for lots and blocks.
 - (D) Lots numbered consecutively commencing with the number “1” with no omissions or duplications.
 - (E) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a “tract” with an identifying number.
 - (F) All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat.
 - (G) Abutting properties shall be shown with dashed lines, numbers, and/or letters.
 - (H) For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines.
 - (I) The minimum data shown for each curve shall be as follows:
 - (a) Length.
 - (b) Central angle.
 - (c) Radius.
 - (d) Bearing and distance of long chord.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

1
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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

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

49.15.413 Plat expiration.

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

49.15.414 Plat effective date.

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

49.15.415 Recorded plats legalized.

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

1
2 dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the
3 same area or any part of it which is in conflict with those shown on the official plat are
4 deemed to have been abandoned and vacated.

5 (b) *Missing plats.* Where a recorded plat is missing and no present record is available
6 except by reference to the missing plat, a counterpart copy, approved by the planning
7 commission, may be recorded and after recordation will be considered effective as of the
8 original date of the missing plat and will have has the same legal effect and notice as the
9 original missing plat.

10 **Division 3. Design**

11 **49.15.420 Lots.**

12 (a) *Generally.*

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

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

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

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

21 (b) *Double frontage lots.* Except for corner lots, lots served by an alley, or where a
22 frontage road or interior access road is required, double frontage lots should be avoided.
23 When such lots are permitted by the commission or the director, the plat shall indicate
24 which abutting street is not approved for access when access restrictions are deemed
25 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.

1
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
8 **49.15.422 Public use lots.**

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

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

49.15.423 Panhandle lots.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

(3) *Access and parking.*

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

(B) Off street parking shall be provided in an amount sufficient to meet the requirements 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 **49.15.424 Access.**

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

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

- 23 (1) Dedication of a new right-of-way with construction of the street to public
24 standards. This street must connect to an existing publicly maintained street;
- 25 (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-way that has not been accepted for public maintenance.

3
4 (2) The proposed privately maintained access does not endanger the public safety or welfare.

5
6 (3) The proposed privately maintained access will be improved to meet the needs for emergency service access.

7
8 (4) A privately maintained access shall only serve property in which the proposed uses do not exceed 250 average daily trips as determined by the director.

9
10 (5) Property served by the privately maintained access shall include accessory apartment traffic when allowed without a conditional use permit even if accessory apartments are not currently proposed.

11 (6) Privately maintained access is prohibited unless:

12 (i) The abutting parcels have alternative and practical frontage on a publicly maintained right-of-way; or

13 (ii) The property owners of all abutting parcels are signatories of the access agreement required by CBJ 49.15.434.

14
15 (7) Privately maintained access is prohibited if abutted by property held by a governmental body unless the abutting parcel has alternative and practical frontage on a publicly maintained right-of-way.

16
17 **49.15.434 Access agreement.**

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

19
20
21 (1) In exchange for the Grantee not being required to construct a road that can be accepted for maintenance by the City and Borough, and for the City and Borough of Juneau not maintaining the privately maintained access road, the parties execute this agreement with the intent for it to run with the land and bind all heirs, successors, and assigns consistent herein.

22
23
24 (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
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

(6) The Grantee and the Grantee’s heirs, successors, and assigns will maintain the privately maintained access road according to the conditions established in this agreement.

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

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

(9) 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.

(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;~~

1
2 (3) — ~~Connected to the road system; or~~

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

6 **49.15.442 Improvement standards.**

7 The following improvement standards apply to remote subdivisions:

- 8 (1) **CBJ 49.15.424 Access.**
9 (2) **CBJ 49.35.240 Improvement standards.**
10 (3) **CBJ 49.35.310 Water systems.**
11 (4) **CBJ 49.35.410 Sewer systems.**

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

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

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

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

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

25 **Division 6. Survey and Monumentation Standards**

26 **49.15.450 Licensed surveyor required.**

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

29 **49.15.451 Boundary lines, basis of bearing.**

30 (a) Each existing boundary line of the proposed subdivision shall be retraced to an

1
2 existing monument of record. If a boundary consists of a U.S. Survey line, Mineral Survey
3 line, or an Alaska Tidelands Survey line, the nearest recorded primary monument on each
4 side of the proposed subdivision shall be located.

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

9 (c) The basis of bearing referred to on the plat shall be a line defined by two found
10 monuments shown on the same record bearing and shall be clearly delineated or identified
11 on the plat and in the basis of bearing statement

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

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

17 **49.15.452 Accuracy of survey.**

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

21 **49.15.453 Monumentation.**

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

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

25 (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

1
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 Tidelands 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.

1
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 (c) *Final plat submittal.*

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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
6 one building per lot. If any of the three buildings used in the averaging calculation is located
7 a greater distance from the required setback, then the required front yard setback or
8 street side yard setback shall be used to calculate the average.

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

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

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

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

23 **49.35.120 Public improvements; generally.**

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

26
27 **Section 21. Repeal of Section.** CBJ 49.35.130 Standard specifications, is
28 amended to read:

29 **49.35.130 Standard specifications.**

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

34 (b) The director of engineering and public works may prescribe different or additional

1
2 standards if unusual or unforeseen conditions exist in a particular development, and the
3 alternative meets or exceeds the intent of the original standard. *Unusual or unanticipated*
4 *conditions.* If unusual or unanticipated conditions exist in a particular plat, the director of
5 engineering may prescribe different or additional standards to ensure equal or better
6 performance under the special conditions.

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

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

19 **49.35.140 Construction plans.**

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

23 (b) *Construction plan submittal.*

24 (1) *Plan sets.* Prior to submittal of the final plat, and before the start of any
25 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

(e) *Intersections.*

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

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

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

(4) *Adjustment to grade.* In certain circumstances, the director of engineering may require the centerline grade to be adjusted to ensure the grades along the edge of the intersecting street do not exceed the maximum grades listed above.

(5) *Alignment.* A proposed street that will intersect with an existing cross street shall, whenever practicable, align with an existing street intersection on the opposite side of the cross street. Street jogs that have center line offsets of less than one hundred feet, shall not be permitted (See Figure 2).

(f) *Curves.*

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

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

(g) *Cul-de-sacs.*

(1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant

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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

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

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

boundary of each proposed lot.

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

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

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

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

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

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

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

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

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

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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

(C) All improvements must meet the City and Borough standards of 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
5 construction.

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

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

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
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
23 provide access to schools, playgrounds, shopping centers, transportation or other community
24 facilities according to the following:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(3) *Right-of-way width.* A shared-use pathway must be located in dedicated right-of-way with a minimum width of 15 feet. The width of the right-of-way may be modified by the director for minor subdivisions and by the commission for major subdivisions, to accommodate the width of the fully constructed pathway and/or topographic features of the site.

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

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

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

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

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

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

49.35.620 Streams and bodies of water.

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

49.35.630 Trailhead dedications or easements.

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

49.35.640 Acceleration and deceleration lanes.

(a) If a driveway serves right-turning traffic from a parking area providing 200 or more parking spaces, and the road has a peak-hour traffic volume exceeding 750 vehicles per

1
2 hour, an acceleration lane at least 200 feet long and at least ten feet wide measured from
3 the driveway to the acceleration lane shall be provided.

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

9 **Section 37. Amendment of Section. CBJ 49.35.720, Provision of utilities**

(Reserved), is amended by adding a new section to read:

10 **49.35.720 Utility access.**

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

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

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

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

25 (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
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAPTER 49.40
ACCESS, PARKING AND TRAFFIC

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

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

49.65.610 Bungalow lot subdivisions.

- (a) Subdivisions creating bungalow lots must meet the following requirements:
 - (1) Lots must be served by municipal water and sewer and publicly maintained roads.
 - (2) In zoning districts D1, D3, D5, D10-SF and D10, subdivisions shall not exceed two bungalow lots for each standard lot.
 - (3) In zoning districts D15 and D18, bungalow lots may be platted without creating standard lots.
 - (4) A note shall be included on all plats which create bungalow lots, providing: "At the time of plat recording, structures on (lot and block number for all bungalow lots) were limited to one 1,000 square foot detached single-family residence per lot; other restrictions apply as well. See the City and Borough of Juneau Land Use Code for current regulations."
 - (5) Lots created through the Planned Unit Development process shall not be further subdivided into bungalow lots.

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

49.65.620 Review procedure.

- (a) The review procedure for bungalow lot subdivisions shall be:
 - (1) In zoning districts D1, D3, D5, D10-SF and D10:

1
2 (A) A minor subdivision procedure may be used for subdivision of a parcel
3 into not more than four lots, provided that no fewer than one standard lot for
4 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.

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

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

9 **49.65.700 Purpose.**

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

13 **Section 43. Amendment of Section.** CBJ 49.65.705 Procedure, is amended to

14 read:

15 **49.65.705 Procedure.**

16 ~~An application shall be made for a development permit to construct a common wall~~
17 ~~residential structure. An application for four or fewer units shall be considered under the~~
18 ~~department approval process and one for over four dwelling units shall be considered under~~
19 ~~the allowable use procedure.~~

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

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

23 or less, is repealed and reenacted to read:

24 **49.65.710 Development permits.**

25 (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
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(1) *Department review.*

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

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

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

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

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

(2) *Planning commission review.*

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

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
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~~

1
2 (B) Does not create a cut slope greater than five feet in height or steeper than 1½
3 horizontal to one vertical.

4 (6)(8) A fill less than one foot in depth and intended to support structures which fill
5 is placed on natural terrain with a slope flatter than five horizontal to one vertical,
6 which does not exceed 20 cubic yards on any one lot and which does not obstruct a
7 drainage course.

8 (7)(9) A fill less than three feet in depth and not intended to support structures
9 which fill is placed on natural terrain on a slope flatter than five horizontal to one
10 vertical, which does not exceed 50 cubic yards on any one lot and which does not
11 obstruct a drainage course.

12 (8)(10) Minor development.

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

15 **49.70.220 Hillside development endorsement application.**

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

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

24 (c) ~~Application.~~ Contemporaneous with an application for an allowable or conditional
25 ~~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
legible scale that includes the following information:

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

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

24 (C) Lot boundaries, easements and setback lines.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

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

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

49.70.270 Conditions on approval.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(2) *Dedications.* The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

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

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

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

49.70.710 Subdivisions in transition zones shadow platting.

(a) *Contents of application.* When a plat is submitted under chapter 49.15, article IV for a ~~major~~ subdivision of five or more lots in a transition zone, the application shall include a shadow plat of the property. The shadow plat shall be a sketch plat overlay of the actual lot layout proposed. This overlay shall reflect as nearly as possible the future resubdivision of the parcels into smaller lots, based upon the density and lot size allowed after public sewer and water are provided.

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

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

49.80.120 Definitions.

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

...

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.

6 ...

7 *Street, major arterial*, means a street with access control, channelized intersections,
8 restricted parking, and which collects and distributes traffic to and from minor arterials and
9 collectors.

9 ...

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

11 ...

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

16 ...

17 *Urban service boundary* means the boundary of the urban service area established in
18 the comprehensive plan.

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

21 *Cluster wastewater system* means a system with individual on-site wastewater
22 treatment and a shared wastewater collection system under some form of common
23 ownership, other than public ownership, that collects wastewater from two or more
24 dwellings and conveys it for disposal to a suitable site near the dwellings.

25 *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