

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

May 28, 2019
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. Minutes from April 23, 2019, Regular Planning Commission Meeting

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials, May 28, 2019

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

- A. USE2019 0009: A Conditional Use Permit for a 72 unit condominium development
- B. USE2019 0010: A Conditional Use Permit for an accessory apartment above a detached garage on an undersized lot
- C. PDF2019 0001: A major amendment to Montana Creek West Planned Unit Development (PUD) to allow subdivision of two (2) lots into four (4) lots
- D. SMP2019 0002: Preliminary plat approval for a major subdivision within Montana Creek West Phase 2B Planned Unit Development of two (2) lots into four (4) lots
- E. SMF2019 0001: Final plat approval for a major subdivision within Montana Creek West Phase 2B Planned Unit Development of two (2) lots into four (4) lots

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

- A. USE2019 0013: A Conditional Use Permit for a 5,000 sq. ft. indoor recreational facility
- B. CSP2018 0012: Planning Commission review of Fiscal Year 2020 Capital Improvement Program

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
April 23, 2019

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman;
Michael LeVine, (telephonically), Ken Alper, Shannon Crossley,
Dan Hickok, Andrew Campbell, Travis Arndt

Commissioners absent: Chairman Ben Haight, Nathaniel Dye

Staff present: Jill Maclean, CDD Director; Laurel Bruggeman, Planner I;
Jane Mores, Assistant Municipal Attorney;
Dan Bleidorn, Deputy Land Manager

Assembly members: Loren Jones,
Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

A. March 26, 2019 DRAFT Minutes – Planning Commission Regular Meeting

MOTION: *by Mr. LeVine, to approve the Planning Commission March 26, 2019, regular meeting minutes with any small changes by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

USE2019 0007: A Conditional Use Permit for an accessory apartment on an undersized lot.

Applicant: Jake & Bridget Lapenter

Location: 319 W. Eleventh Street

Mr. LeVine said he lives around the corner from the subject lot, but that he has no financial interest in this property, and that he felt he could make an impartial decision.

There was no objection from Commission members or the public to Mr. LeVine remaining on the panel.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on a substandard lot in the D5 zoning district.

Mr. Alper asked if this item was before the Planning Commission because the home was on an undersized lot.

He was told by the staff that the reason this item is before the Commission is because it is on an under sized lot, and therefore a Conditional Use Permit was necessary

USE2019 0008: A Conditional Use Permit to allow a portion of an additional story on top of an existing below grade structure.

Applicant: Edward Coffland

Location: 5980 Thane Road

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development and heating of a portion of an additional story on top of an existing below grade structure.

MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and approve USE2019 0007 and USE2019 0008.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA - None

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS

- A. CSP2019 0003:** A review of a request to amend a lease for a wireless communications site

Staff Recommendation

Lands staff requests that the Planning Commission provide comments on these proposed amendments as required by 53.09.260(b).

Ms. Maclean said this item has been passed through the Commission and approved by the Assembly in the past. The applicant already has a lease. The applicant is asking for an expansion of its land by 144 square feet.

Ms. Maclean said this item is before the Commission for its comments on the proposed land increase.

The Commission had no comments.

XI. STAFF REPORTS

A. Title 53 Lease Review Process Presentation

Possible amendments to Title 53, the lease review process –

Mr. Jones told the Commission that he spoke with the Assembly about three months ago about the role of the Planning Commission in reviewing leases. He said often under Code a lease applicant contacts the City staff and states they want to lease property. This request generally goes to the Lands office and then is reviewed by the Lands Committee, said Mr. Jones. It then goes to the Assembly, which authorizes the City Manager to review the lease request. It then goes back to the Lands office and then to the Assembly for approval, said Mr. Jones.

Under the current code, the Planning Commission is also part of this process, said Mr. Jones. He said about a month ago he was at a Planning Commission meeting, and the Commission was given a lengthy presentation by the staff on Deckhand Dave's lease. This is an example of an item that would bypass the Planning Commission in the future, said Mr. Jones.

This proposed amendment to Title 53 basically replaces "Lands Committee" everywhere that it currently references "Planning Commission", said Mr. Jones. This would remove Planning Commission review of any and all leases, said Mr. Jones. If an item required a Conditional Use Permit, it would go before the Commission, said Mr. Jones. The purchase of land would not be affected, said Mr. Jones.

Mr. Jones said he is making this suggestion because by the time the applicant gets to the Lands

staff, Lands Committee, and Assembly, back to the staff, Lands Committee and Assembly, that there would be sufficient enough opportunity for public comment.

Mr. Jones has been working on this with the City Attorney, and was told he should bring this item up before Docks and Harbors and the Planning Commission.

He said, for example, the item the Commission dealt with earlier in the meeting for an increase in land for a cell phone tower provider, would not be coming before the Commission should the ordinance be amended.

Mr. Alper said it appears this also applies to land acquisition and disposal.

That is not the intent, said Mr. Jones. It would apply to leases only within Title 53.

Mr. Voelckers asked why easements would be in a different category than a lease.

Mr. Jones said he would address this with the attorney.

Ms. Mores said it appears that the draft ordinance would affect land acquisitions and land disposal as well.

Mr. Jones said most of the direction comes through the Lands Committee.

Mr. LeVine said if the intent is not to remove Commission review of land acquisitions and leases, that this should be placed before the attorney for revision.

In answer to a question by Me. LeVine, Mr. Jones said the purpose of this ordinance amendment is to remove an extraneous step from the process.

Mr. Jones said it bothered him that after the lease was negotiated, that the item came before the Planning Commission and that the Commission placed new conditions on a lease that had already been negotiated.

Ms. Mores clarified that Lands is not a separate department. It is under the Manager's office, she said.

Mr. Voelckers said most of the work performed by the Planning Commission is regulatory, but that there are other important functions performed by the Commission.

Mr. Hickok said he agreed with the process. Any time red tape can be cut, that is a good thing, he said. Mr. Hickok said he did not understand that the lease which had been before the Commission for review had already been negotiated.

Mr. Arndt said he likes the idea of amending the ordinance. He asked what would happen if the Assembly approved a lease and it turned out that a Conditional Use Permit was necessary.

Ms. Crossley asked why the Planning Commission has been part of this process in the past.

Ms. Mores said she does not know the history of the regulations.

Mr. Campbell said he supported the amendment streamlining the process. He said if intervention by the Planning Commission in this process is unnecessary, then it should be eliminated. He said it appears that it is also a waste of staff time.

Ms. Maclean said the lease they are speaking of was viewed by the Commission under "Other Business". It was put under "Other Business" because the Commission had already reviewed it. It states in Title 53 the Commission is supposed to comment on the item, said Ms. Maclean. She said it would still be important for the staff to review certain items, which could then be forwarded to the Lands Committee.

Director's Report

Ms. Maclean reported that the dockless vehicle moratorium was also approved at the April 22, 2019, Assembly meeting. The staff has until February, 2020, to work on that ordinance. The Blueprint Steering Committee has a public meeting April 25, at 6:00 p.m. at the downtown fire station. The Auke Bay neighborhood meeting will be meeting again in early May. A Title 49 Committee meeting has not yet been set. The staff will be meeting with staff and business people in town in early May for input on the draft ordinance. The CDD will be closed on May 14, 2019, for another training.

Mr. Voelckers asked if there was new information on the Harris appeal.

Ms. Mores said they had a prehearing conference and set deadlines. The appellants have waived oral arguments so the issue will be settled by briefs only. The goal is to have this back to the Assembly by September, (2019), said Ms. Mores.

XII. COMMITTEE REPORTS

Auke Bay

Ms. Crossley reported that at the recent Auke Bay meeting, it was discussed that there may be several zoning changes. They also discussed the overlay district having two different zones instead of one zone.

Ms. Maclean said there is a proposal to bring back more of a grid street system in Auke Bay to provide more water views. There was concern voiced by the residents over snow removal for

sidewalks and the road.

Title 49 Committee

Mr. Campbell said at the Title 49 meeting held on April 11, 2019, that they discussed the rezoning of the flats and overlay areas.

Mr. Arndt said he felt the second Title 49 meeting in April was a good continuation of the first meeting for the month. They discussed how the current zoning of the flats was not zoned correctly in the first place. They discussed different methods for zoning.

Liaison Report

Mr. LeVine said the Rules Committee is working on an iteration which should come before the Committee of the Whole in the near future.

XIII. LIAISON REPORT

Mr. Bryson reported that the Assembly has had finance meetings for the past few weeks. They had presentations from the airport and from Docks and Harbors on April 10, 2019. On April 17, 2019, they had presentations from Travel Juneau and JDEC (Juneau Economic Development Council). They also saw presentations on water and wastewater rates. The Utility Board recommended a four percent increase which would allow \$5 five million per year for wastewater improvements. The City Manager also proposed a two percent increase to help keep the water and wastewater rates inflation proof. That provided \$4 million a year for water and sewer upgrades. They expect to replace \$75 million worth of water and wastewater infrastructure every decade. The Juneau School District and Joint Facilities Committees met on April 17, 2019. They met to discuss child care in the school district. There are currently 13 classes in the school district that are for children in grades preschool through kindergarten. It was discussed that day care for children ages newborn to three years was not appropriate for the school district. On April 19, 2019, the Childcare Special Committee met and finalized their report. Their recommendations will be sent to the Assembly. There was also a kick-off party of the Juneau Park Foundation. The foundation was raising funds for a new cabin. At the regular Assembly meeting held April 22, 2019, ordinances were passed for trail funding and airport design. The City is now responsible for maintenance of the Brotherhood Bridge parking area. The Assembly also passed an ordinance finalizing stub streets. The Director of Parks and Recreation took the Assembly to view some of the Parks and Recreation facilities. Mr. Bryson said at the end of May or the beginning of June, he will be organizing a raft trip down the Mendenhall River for Planning Commission members, so they could view the area from the water perspective.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 7:54 p.m.

DRAFT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers, 7:00pm

Meeting Date: May 28, 2019

1. Revised Agenda for May 28, 2019

2. USE2019 0010:

- a. Staff report for VDM2019 0003
- b. Notice of Decision for VDM2019 0003

3. USE2019 0013:

- a. Public comment with attachment from Chuck Cohen, received 5/22/19
- b. Public comment from homeowners at Kodzoff Acres:
 - i. Beatrice Whittanen
 - ii. George Cheatham
 - iii. William Modene and Tonia Vinnedge
 - iv. Vickie Rosenstein
 - v. Rusal Carillo
 - vi. Ray and Teresita Gabriel
 - vii. Faye Delaney
 - viii. Emmaleen Lee
 - ix. Garrett Meyer
 - x. Willie and Kimberly Ann Perry
 - xi. Rochelle Rotano Malbas and Relly Bautista Malbas
 - xii. Margarita Tudtud
 - xiii. John Duane and Patricia Rae Modene
 - xiv. Lynn Almoradie Jaravata
 - xv. Cathlee Bantsari
 - xvi. Kevin Bowman and Penny Lindell
 - xvii. Stephen E Bean and Anne M Tompkins
- c. Public comment with attachments from Kodzoff Acres LLC, received 5/24/19

4. CSP2018 0012:

- a. Staff report for CSP2018 0012

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(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 22, 2019

TO: Jill Maclean, Director
Community Development Department

FROM: Amy Liu, Planner
Community Development Department 

CASE NO.: VDM2019 0003

PROPOSAL: An Administrative Variance to reduce a side setback from 15 feet to 13 feet

GENERAL INFORMATION

Applicant: Ronald Aline & Sandra Garcia-Aline

Property Owner: Ronald Aline & Sandra Garcia-Aline

Property Address: 19933 Cohen Drive

Legal Description: Tee Harbor Alaska, Block 4, Lot 9

Parcel Code Number: 8B3701040090

Site Size: 31,363 square feet

Comprehensive Plan Future Land Use Designation: Rural Dispersed Residential

Zoning: D1

Utilities: Onsite water and sewer

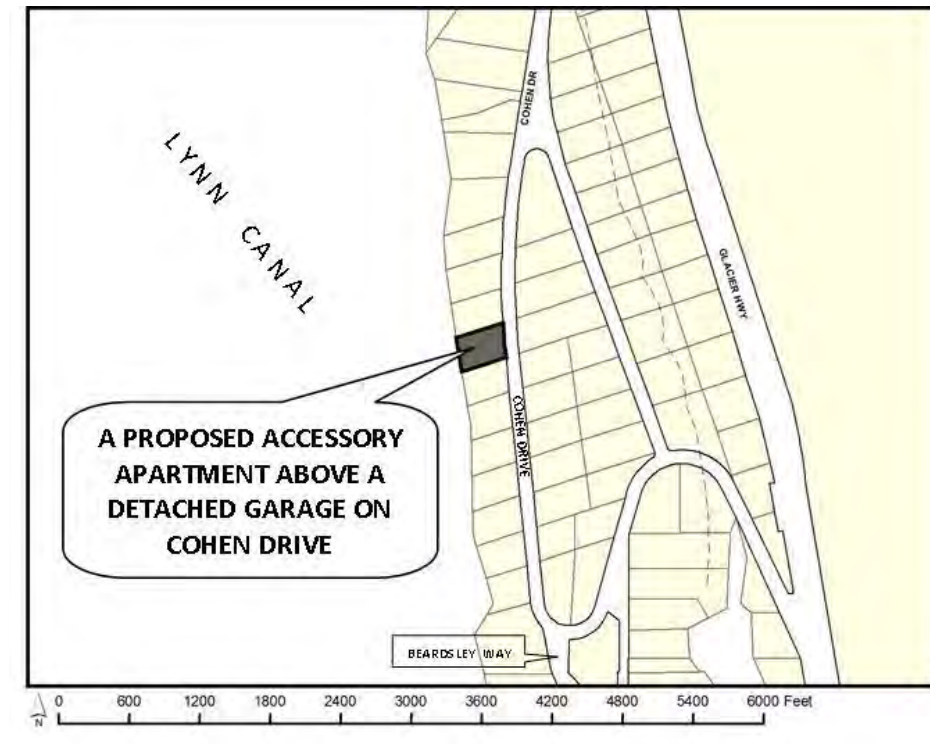
Access: Cohen Drive

Existing Land Use: Single family residential

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Surrounding Land Use: North - Single family dwelling
 South - Single family dwelling
 East - Single family dwelling
 West - Shoreline

VICINITY MAP



ATTACHMENTS

- Attachment A Application and narrative
- Attachment B Diagram provided by staff
- Attachment C Email from staff correcting previous guidance
- Attachment D Letters of support from neighbors
- Attachment E DEC approval of septic system
- Attachment F As-built and plat
- Attachment G Site plan
- Attachment H Photos of subject lot and photos of neighboring properties
- Attachment I Pre-application report
- Attachment J Construction drawings
- Attachment K Email from applicant clarifying proposed setback on drawing

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PROJECT DESCRIPTION

The applicant proposes a new detached garage with a second story accessory apartment. In conjunction with this permit, VDM2019 0003, the applicant requests a Conditional Use Permit for the garage/accessory apartment because the subject lot does not meet the minimum lot size for the D1 zoning district. Analysis of the Conditional Use Permit can be found in the corresponding staff report for USE2019 0010.

The net floor area of the garage will be 600 square feet. The net floor area of the apartment will be 600 square feet. The proposed structure will be 23.2 feet from the front lot line, 13.3 feet from one side lot line, more than 15 feet from another side lot line, and more than 25 feet from the rear lot line. The front yard setback is reduced to 22.92 feet per 49.25.430(4)(F) which states that if the natural gradient of a sloping lot from front to rear exceeds 25%, the front yard setback shall not be less than the established yard of a dwelling, not including accessory structures, which occupies an adjoining lot. The rear yard setback is reduced to 0 feet per 49.2.430(4)(G) due to the shoreline (Attachment B).

The proposed structure will replace existing, rotting logs that reinforce the slope supporting the parking pad (Attachment A). The applicants also expressed that they are proposing a new structure with an apartment and a garage in order to assist their parents at home and to reduce the need for shoveling snow as they age in place.

BACKGROUND

Lot History - The subject lot measures 31,363 square feet in area, ranging between 151.91 feet – 153.82 feet in width and 203.54 feet – 213.52 feet in depth. The lot is located in the D1 zoning district. The minimum lot size for the D1 zoning district is 36,000 square feet, and the minimum lot width and lot depth are each 150 feet. The parcel was platted in the Tee Harbor Subdivision, which was recorded in 1967, and the lot area is legally non-conforming while the lot width and depth are conforming. According to the Assessor's Office database, the dwelling was constructed in 1984. The existing single-family dwelling meets the existing required yard setbacks of 25 feet in the front, 25 feet from the rear, and 15 feet from each side (Attachment F).

Applicant History - Staff had previously advised the applicant to use a reduced side yard setback per 49.25.430(4)(J), which states: *If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.*

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Staff applied this exception due to the mislabeling of the lot width along the front property line on the as-built. The as-built labels one segment of the front property line width as 88.7 feet, and does not label the other segment of the front property line width (Attachment F). Based upon the belief that the lot width was substandard, staff initially determined that 49.25.430(4)(J) applied to this property and that the setback may be reduced to 9.3 feet. The applicants proceeded to use that setback in their initial engineering plans (Attachment B)¹.

Upon further review of the plat, and prior to submittal of an application, the width of the lot was confirmed to be 153.82 feet. Staff informed the applicants of this error and said that the reduction could not be applied to their situation. Staff informed the applicants that they were eligible to apply for an Administrative Variance, which, if approved, could reduce the side yard setback by up to 2 feet (Attachment C).

The applicants then applied for and paid for an Administrative Variance, in conjunction with the Conditional Use Permit.

PUBLIC COMMENT

Letters of support for the proposed apartment and requested variance have been provided by adjacent neighbors (Attachment D). A neighbor across the street inquired about whether his view of the water would be impacted. Upon review of the elevation and site plan, he did not have concerns.

ANALYSIS

Project Site - The existing single-family dwelling has a gross living area of 1,494 square feet and meets the required setbacks for the D1 zoning district; 25 feet front yard setback, 25 feet rear yard setback, and 15 feet side yard setback. The reduced front yard setback of 22.92 feet, per 49.25.430(4)(F), is also met. The existing single-family dwelling meets the required setbacks. The subject parcel has frontage and vehicle access on Cohen Drive. Topography is variable and steep. The grade is approximately 85% between the site for the apartment and the right-of-way (ROW). The grade of the driveway is approximately 20% (Attachment G).

The proposed garage/accessory apartment structure will sit at the same elevation as the existing single family home. The first level of the home is approximately 10 feet below the ROW and 51 feet from the ROW. There is a parking pad level with the ROW. One car may be parked on the pad. The pad is currently undergoing reconstruction. The slope supporting the pad is reinforced by boulders and logs, the latter showing signs of rot. The boulders and logs encroach onto the neighboring property by approximately 28 square feet. An inspection performed by

¹ This diagram provided by staff illustrates the erroneous guidance given to the applicant based on the mislabeled as-built.

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Chilkat Engineering on June 22, 2017, concluded that the *log and rock retaining wall supporting the upper carport is a non-engineered structure and should be budgeted for removal in the near future. The logs are rotted beyond repair. The entire structure should be removed.* (Attachment A).

The new pad will not encroach onto neighboring property and will consist of concrete. The deteriorating logs will be replaced by the garage/apartment structure. This structure is engineered to reinforce the slope supporting the parking pad. Additional grading and paving to address drainage for the garage and existing single family home is anticipated. A new septic system, which has been approved by the Alaska Department of Environmental Conservation (DEC), will replace a septic system originally installed in the early 1980s (Attachment E).

VARIANCE STANDARDS

Under CBJ 49.20.250(a), an Administrative Variance may be granted to allow projections not to exceed 25 percent of the yard setback requirements of this title or two feet, whichever is less, upon the director determining the following:

A. Enforcement of the setback ordinance would result in an unreasonable hardship.

This criterion is met. The steep terrain is an unreasonable hardship. The terrain significantly restricts buildable area of the lot and necessitates engineered reinforcement of unstable soil. The restricted buildable area, and meeting the D1 setback, will force the proposed structure to be within 5 feet from the existing single-family dwelling unit and thus result in costly fire separation requirements. The Building Official stated that the International Building Code requires dwelling units closer than 5 feet to each have a 1-hour separation on the inside and outside of the structure. Enforcing the setback ordinance will lead to remodeling the existing single-family dwelling and reengineering the proposed structure.

Further, the applicant acted in good faith on staff's erroneous advice. The proposed structure's design, which incorporates features to support the adjacent slope, is specific to staff's initial advice to build up to a 9.3 feet side setback. Enforcing the setback ordinance will effectively require the reengineering the proposed structure, as stated above.

B. The grant of the variance is not detrimental to public health, safety, or welfare.

This criterion is met. The Building Official expressed no issues with the project. CBJ Engineering shared comments that will be addressed during a building permit. Any portion of the driveway that is steeper than 2:1 will be required to be engineered. The wall retaining the soil will be reviewed if a foundation is cut into the hillside. All associated slopes that are steeper than 2:1 will need to be engineered. The closed drainage discharge will need to be reviewed to see if an oil/water separator is needed before discharging into

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the ocean.

C. The grant of the variance is narrowly tailored to relieve the hardship.

This criterion is met. The 13-foot setback was factored into the engineering designs for the wall that will reinforce the specific slope supporting the parking pad. The applicant is requesting what is necessary to construct the proposed structure in a manner that reinforces the slope, while providing adequate fire separation between the existing single-family dwelling and the proposed garage/accessory apartment.

FINDINGS

1. Is the application for the requested variance complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Does the variance as requested meet the criteria of Section 49.20.250(a)(1), Administrative Variances?

Yes. Based on the analysis above, staff has determined that the applicant has presented an argument that justifies the grounds for this variance.

RECOMMENDATION

Staff recommends that Director adopt the analysis and findings and **APPROVE** the requested Administrative Variance, VDM2019 0003.



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 19933 Cohen Drive, Juneau, Alaska 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Tee Harbor, Block 4, Lot 9		
	Parcel Number(s) 8B3701040090		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Ronald Aline & Sandra Garcia-Aline	Contact Person Ronald Aline (801) 597-5873 / Sandra Garcia-Aline (801) 232-0598	
	Mailing Address PO Box 23031, Juneau, Alaska 99802	Phone Number(s) 801-597-5873 / 801-232-0598	
	E-mail Address ron.aline_907@yahoo.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Ronald Aline</u> Landowner/Lessee Signature <u>4/8/19</u> Date X <u>Sandra Garcia-Aline</u> Landowner/Lessee Signature <u>4/8/19</u> Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X _____ Applicant's Signature Date of Application			

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

USE
VAR.

Attachment A

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials AL
Case Number USE 19-10
Date Received 4/8/19



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

Construct a detached two-vehicle garage with an accessory apartment above garage. Grade, pave and install drainage system to handle water runoff. Replace aging interlocking log system holding up parking pad with concrete structure and boulders. Install an upgraded septic system and decommission existing septic tank.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☒ Accessory Apartment – Accessory Apartment Application (AAP)

☐ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____ 49.25.300.1.130

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 31,363 square feet Total Area of Existing Structure(s) (MLS 16618) 2,277 square feet

Total Area of Proposed Structure(s) Total 1,350 (Garage 750; Apt 600) square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 350.00			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ 50.00			
Pub. Not. Sign Deposit	\$ 100.00			
Total Fee	\$ 500.00			

Attachment A

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received



ACCESSORY APARTMENT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant	PROJECT SUMMARY: Construct a detached two-vehicle garage with an accessory apartment above garage. Grade, pave and install drainage system to handle water runoff. Replace aging interlocking log system holding up parking pad with concrete structure and boulders. Install an upgraded septic system and decommission existing septic tank.	
	ACCESSORY APARTMENT DESIGN	
	☐ Attached to or Within a Single-Family Dwelling ☐ Associated With a Detached Garage ☐ Within a Two-Unit Common-Wall Dwelling ☒ Not Affiliated with Another Structure (Stand alone)	
	AREA OF APARTMENT Net Floor Area <u>600</u> square feet Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.	
PARKING Existing Spaces <u>3</u> Total Proposed Spaces <u>4</u> (Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)		

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SITE INFORMATION				
ZONING DISTRICT <u>D1</u>		UTILITIES AVAILABLE		
MINIMUM LOT SIZE (49.25.400) <u>34,000</u>		WATER: ☒ Public ☐ On Site		
ACTUAL LOT SIZE <u>31,363</u>		SEWER: ☐ Public ☒ On Site		
Permitting Process:		☐ Departmental Review ☒ Planning Commission ☒ Pre-Application Conference held ☒ Narrative and Pre-App notes attached		
Fees (Departmental Approval)	Fees	Check No.	Receipt No.	Date
Application Fees	<u>See Building Permit</u>			
Fees (Conditional Use Permit)				
Application Fee	\$ _____			
Public Notice Sign Fee	\$ _____			
Public Notice Sign Deposit	\$ _____			
Total	\$ _____			

Attachment A

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received

Legal description: Tee Harbor BL 4 LT 9, Parcel Number: 8B3701040090

Narrative for Accessory Apartment

Current use of land: The land is currently used as residential property with a single house dwelling. The parcel size is 31,363 sq. ft. The lot has a parking pad off of Cohen and then a short driveway that leads down to the house. Currently there is no garage on the property. There is an existing parking pad that is constructed with an interlocking logs approach. Beyond the logs, large boulders are used. We assume it was built when the home was constructed back in 1984 with horizontal logs locked in place leaning against growing trees to add additional support to the pad. The logs are aged and have signs of rotting.

Description of Project: The project consists of a two-car detached garage with a 600 sq. ft. accessory apartment on top of the garage. The garage will be at ground level with the residence. The apartment (on top of the garage) is at ground level with the parking pad. Pertaining to the parking pad, we are developing a new concrete structure (also utilizing existing boulders on north side) to replace the log structure that currently supports the parking pad (improving what may become a safety concern in the future – please refer to attached pictures of logs currently supporting the parking pad). **It is important to note: The structure will serve as both the walls to the garage and the structure to support the parking pad.** The structure will also fix an encroachment (existing parking pad) on our neighbor's yard that was not disclosed by previous owner. Grading and paving for the garage and home will be done to address existing and future water runoff. In addition, a new septic tank will be constructed to replace the tank that currently exists (we assume was installed back in 1984). The old septic tank is called out on the drawings to be decommissioned in place in accordance with DEC requirements. Beyond the foot print of the structures and parking areas, the rest of the lot is naturally vegetated with existing trees and shrubs that are natural to the area. Traffic flow in the area consists mainly of local traffic as Cohen has no outlet and dead-ends a short distance from our home.

Proposed use of land or building: The land use will continue as it has in the past. The parking pad and area by the existing home will continue to be utilized for parking. The garage will be used to park vehicles in and used as storage for sporting equipment etc. for the current home dwelling. The apartment will be used as a rental and may be used when family visits the area. The apartment will have one designated parking spot. In addition, we have aging parents that may need to occupy the apartment in their senior years which offers an affordable option for obtaining housing in Juneau.

Lighting: Apartment - The lighting as outlined in the plans will include sconce lighting on the east side of the apartment by the door (please refer to drawings). Sconce lighting will mainly cast light along the wall or be lantern like in nature. The lighting on the west side of the apartment (located by door to kitchen and sliding doors to bedroom) as outlined in the plans will be similar in nature. There will be six inch can lighting installed in soffit per the drawings. **Garage** - The motion lighting on the garage will serve as lighting for safety and to see approach into the garage per the drawing – south side. Sconce lighting on the south side and west side of garage will serve as lighting similar to the sconce lighting of the apartment mainly casting light along the wall or lantern like in nature. It is important to note that the garage is at the level of the main home which is well below the level of the road (please refer to plans/drawings). No lighting is expected to shine beyond property lines.

Parking: Parking is shown to scale on drawings. Two parking spots shown in garage. One parking spot shown lower level where the main house exists, and one spot on the parking pad at ground level with the apartment.

How the proposed use complies with the Comprehensive Plan: Land use is in accordance with zoning requirements for Cohen Drive lots (residential single family and duplex). The project complies with the Housing Element of the Comprehensive Plan (Plan). It upgrades the septic tank to a newer up-to-date model. The parking pad structure will be completely redone providing a positive safety influence well above the existing interlocking log approach. The grading and drainage will greatly improve water runoff in the area. The garage will be utilized by the current home as a place to park vehicles and store sporting equipment etc. The apartment will be utilized as a rental property.

The plan indicates that a variety of dwelling unit types and sizes need to be provided throughout the borough, but particularly within the roaded area. Also, per the Plan, as housing choice is influenced both by lifestyle and income, CBJ government should encourage and facilitate provision of a variety of affordable housing opportunities to its residents including: Single family detached and attached housing, condominiums, apartments, efficiency units or Single room occupancy units... In addition, the project is in alignment with the following policies:

- Facilitate the provision of maintenance of safe, sanitary, and affordable housing for CBJ residents
- Facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups

Note: DEC has approved the septic system for proposed apartment.

CHILKAT ENGINEERING LLC
P.O. BOX 211044 • AUKE BAY, AK • 99821
PHONE: (907) 321-0219

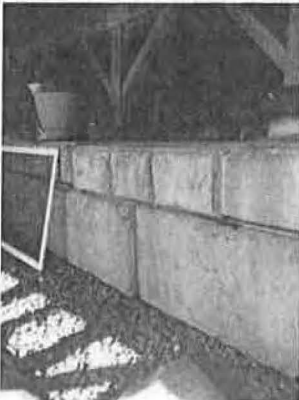
Date: June 30, 2017

Subject: Special Structural Inspection of Residence at 19933 Cohen Drive, Juneau AK

Sandra Garcia C/O Sunshine Hard, Realtor
Juneau, AK 99801

On June 22, 2017 I inspected the subject residence to address selected items that you wanted structural engineering consultation on. This was not a home inspection.

Item 1) The concrete block retaining wall under the deck has slightly uneven and tilted blocks. My opinion on this is that this is a concrete block retaining wall not integral with the foundation. The unevenness of the wall may likely be from construction or some slight settlement after construction. The wall does not appear unstable in its current state.



Item 2) You wanted to know if you could put a hot tub on the existing deck. My opinion is that the deck columns and foundations appear sound enough to carry the added weight of a hot tub. The floor structure appears to be capable of being strengthened without major impediment. Contact an engineer for assistance.

A few of the deck foundation footing on the south side deck appear to have settled an inch or less. There is a gap between the deck floor structure and the beam in a few areas. The settlement is likely consolidation settlement and not a deep ground failure due to the assumption that bedrock is near the surface in this area. Recommend using cedar wood shims to support the floor structure. Added weight of a hot tub may cause further settlement of these foundations. Recommend to monitor these foundations closely if a hot tub is added.



Item 3) The log and rock retaining wall supporting the upper carport is a non-engineered structure and should be budgeted for removal in the near future. The logs are rotted and beyond repair. The entire structure should be removed. If a new carport is constructed, consult with a structural engineer to design a retaining wall system.



Please call if you have any questions.

Sincerely, Loren Gehring, P.E.

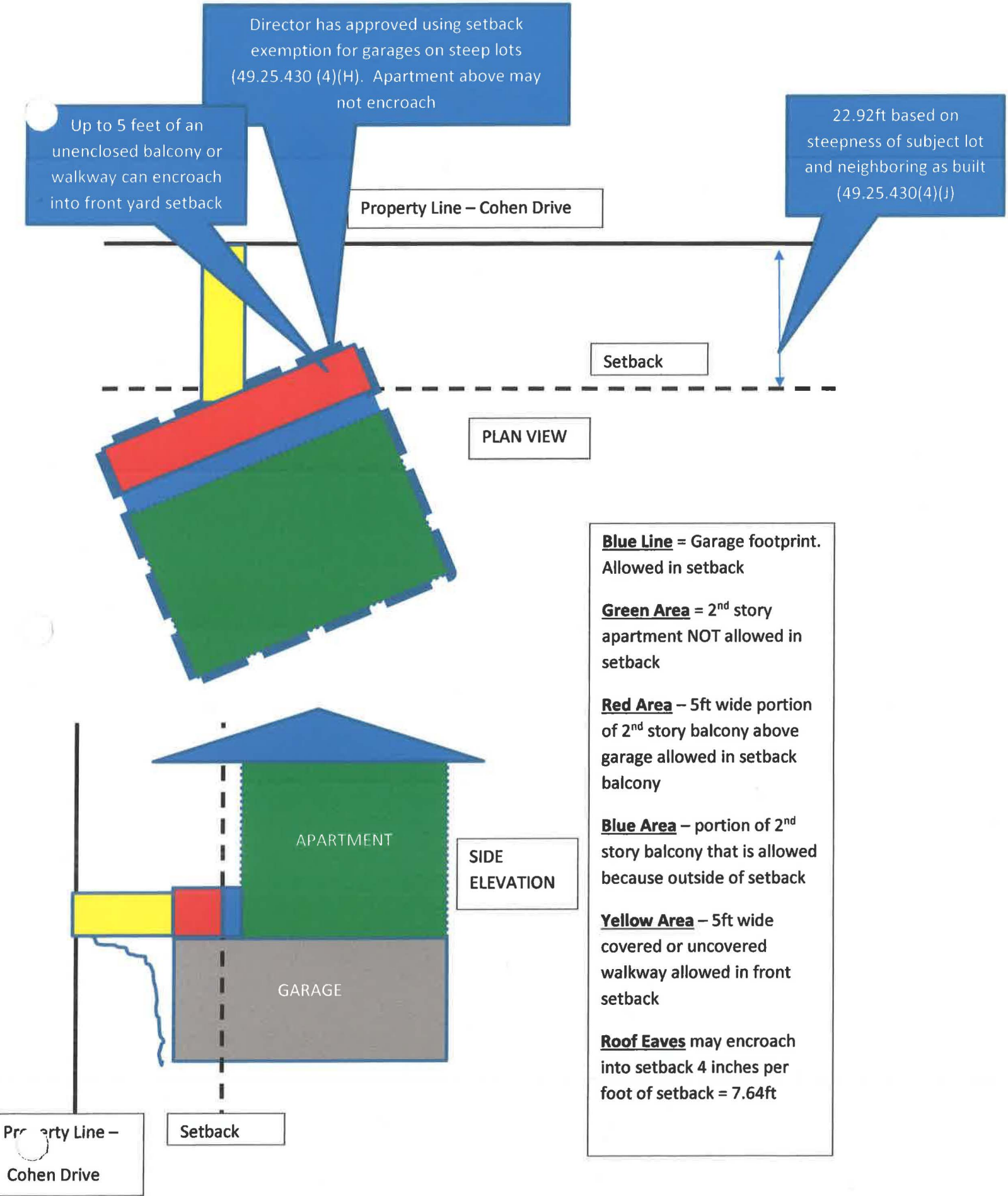
Loren Gehring, P.E., S.E.

Chilkat Engineering, LLC

CHILKAT ENGINEERING, LLC
LOREN GEHRING, P.E., S.E.
PHONE: 907-321-0219
EMAIL: LOREN.CHILKAT@BCL.NET
ADDRESS: P.O. BOX 2110
AUKE BAY, AK 99821



Date:06/30/17



Amy Liu

From: Beth McKibben
Sent: Thursday, March 28, 2019 11:46 AM
To: 'r.aline051504@yahoo.com'
Cc: Tim Felstead; Amy Liu
Subject: 19933 Cohen Drive
Attachments: plat_lot9.jpg

Hi Ron

It was good talking w/you yesterday. I told you that either Tim or I would get back to you on the side yard setback. After looking at the recorded plat more closely I see that the front width of your lot is 153.82 feet. It appears that your as-built is mislabeled and only goes the monument that was placed to be used for calculating the curve data for the street. Its easy to see how that mistake was made, because I initially made that mistake myself. I'm confident that the 153.82 feet front lot width is correct because when using that figure to calculate lot area the total is the same as what is on the recorded plat as well as in our data base. If the smaller number is used, or the average width of the lot the area is not correct. Attached is a zoomed in view of your lot from the recorded (official) plat, showing the correct dimensions of the lot.

What this means is there is no exception that will allow for a standard reduction in the side yard setback. As Tim explained to you the other day, you may apply for an administrative variance, which if approved, could reduce the side yard setback up to 2 feet. A non-administrative variance must be approved by the Board of Adjustment. If you choose to go this route it makes the most sense to submit the variance application with the conditional use permit application for the accessory apartment so the 2 cases could be heard by the Commission at the same meeting.

Below are the links to the variance and administrative variance application forms. If you submit the application at the same time as the conditional use permit application then only one copy of the DPA form is required. The administrative variance fee is \$120 and the non-administrative variance fee is \$400. Please feel free to contact, me, Tim or Amy if you have any more questions.

http://www.juneau.org/cddftp/documents/VAR-Variance_Application.pdf

http://www.juneau.org/cddftp/documents/VDM-AdministrativeVariance_Application12_06_18.pdf

Beth McKibben, AICP | Senior Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465



Ron & Sandra Aline
19933 Cohen drive
Juneau, AK 99801

Subj: Case Number; PAC20190017 Accessory Apartment

Ron,

Thank you for meeting with me and Lynnette yesterday to discuss your proposal to the City and Borough of Juneau to build a garage and apartment on your upper lot at 19933 Cohen Drive. As an adjacent land owner (19929 Cohen Drive), we have reviewed your permit and application as requested and do not have any objections to the building and variances you seek. We feel that the structure as presented will enhance Cohen Drive and wish you success in obtaining your variance request. If you have any questions or need me to provide any other information to the City, please let me know.

Cecil D McNutt, Jr. 04/02/2019

V/R
Cecil D. McNutt, Jr.
19929 Cohen Drive
Seanutt@gci.net
907-500-4041

Mike Dziuba

19977 Cohen Drive
Juneau, AK 99801
907-957-0144
mdziuba@me.com

April 8, 2019

Ron & Sandra Aline
19933 Cohen Drive
Juneau, AK. 99801

RE: PAC20190017, application

Dear Ron and Sandra,

Pursuant to our discussion, as your adjacent neighbor, I have no objections regarding your application to the City & Borough of Juneau about the building of a garage and apartment on your lot nor the variances you're seeking. If you have further questions feel free to ask.

Sincerely,

Michael P. Dziuba



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Environmental
Conservation**

DIVISION OF WATER
Engineering Support and Plan Review

PO Box 111800
Juneau, Alaska 99811
Main: 907.456.5180
Fax: 907.456.5177
dec.alaska.gov

Plan Tracking No.: 27952

March, 2019

Kevin Puustinen

**RE: Ron & Sandra Aline
Tee Harbor Alaska, Lot 9, Block 4
Decommissioning of STP, Installation of new STP w/ UV-Disinfection
Design Flow – 600 gpd
Approval to Construct**

Greetings,

On March 12, 2019 the Alaska Department of Environmental Conservation (ADEC or Department) received a submittal requesting construction approval for the Ron & Sandra Aline WWTS located in Juneau, AK. The information was reviewed in accordance with Wastewater Disposal Regulations 18 AAC 72 and **construction approval is granted**. Enclosed is the Construction and Operation Certificate with the Approval to Construct section signed.

Project Description

The property has an existing Jet model J-353 treatment system which will be decommissioned and backfilled. The homeowners will then install a new Jet model J-800 treatment system w/ UV-Disinfection. The effluent will ultimately be disposed of in 3 separate trench style drainfields.

Not required but recommended, is to add some cleanouts at 45 degree transitions in pipes and closer to the STP.

Approval to Operate Requirements

This construction approval includes a 90 day interim approval to operate provided that construction substantially complied with the approved design drawings. In order to receive final operational approval, please submit the following information within 60 days of the completion of this project:

1. Written request for operational approval that includes a statement regarding any changes made during construction

Addressee
Project Name

2

DATE

2. Record drawings prepared (signed and dated) by the engineer responsible for observing the construction of this project (The Department prefers drawings that are no larger than 11" x 17").
3. Certification of Construction form complete with signatures from the Owner, Construction Contractor, and Engineer (A copy of this form may be downloaded and printed from the Department of Environmental Conservation website or a copy will be provided upon request. http://dec.alaska.gov/water/wastewater/engineering/engineered_systems)
4. A signed maintenance agreement with a qualified servicer of the treatment system.

If the approval to operate requirements cannot be met within 90 days of construction completion, an extension of the interim approval to operate must be requested at least 30 days in advance by addressing item 3 - 4 above. Any portion of the wastewater collection or disposal system that is planned to be operated beyond the 90 days interim operational approval pending completion of multiple phases of work must either have an extended interim or final operational approval.

Disclaimers and Appeals Process

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulation. The Department's construction approval does not guarantee correctness or the functionality of the design, or waive the owner's responsibility for continued compliance with state regulations. Deviations from approved plans which affect capacity, flow, pressure, operation, compliance, or materials of major system components must be approved by this Department prior to their construction or implementation.

This approval is valid for two years from the date of this letter. If the applicant fails to construct, alter, install, or modify the system, the approval is void and plans must be resubmitted for department review and approval according to 18 AAC 72.200.

This approval is contingent upon your receipt of any other state, federal, or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project. This approval does not imply the granting of additional authorizations nor obligate any state, federal, or local regulatory body to grant required authorizations.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review in accordance with 18 AAC 15.185. **Informal review requests** must be delivered to the Division of Water Director, 555 Cordova Street, Anchorage, AK 99501, within 20 days of this decision. **Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811, within 30 days of this decision. If a hearing is not requested within 30 days, the right to appeal is waived. More information on the Department's administrative appeals process can be found at <http://dec.alaska.gov/commish/review-guidance/>.

Addressee
Project Name

3

DATE

If you have questions please contact me at 907-456-5167 or by e-mail at
raymond.zimmer@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Zimmer", with a stylized, flowing script.

Raymond Zimmer
Engineering Associate I

Enclosures: Construction and Operation Certificate

Attachment E



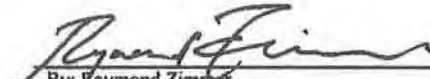
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
**CONSTRUCTION AND OPERATION CERTIFICATE
FOR
DOMESTIC WASTEWATER DISPOSAL SYSTEMS**



A. APPROVAL TO CONSTRUCT

Plans for the construction or modification of the Tee Harbor Alaska, Block 4, Lot 9 domestic wastewater system, located at 19933 Cohen Drive - Juneau, Alaska, submitted in accordance with 18 AAC 72.200 through 18 AAC 72.235 by Kevin Puustinen, P.E. have been reviewed and are

☒ approved as submitted ☐ conditionally approved (see attached conditions)


By: Raymond Zimmer

Engineering Associate I
(Title)

03/14/2019
(Date of Approval)

If applicant fails to construct, alter, install, or modify the system within two years of the date of approval to construct, approval is void, and plans must be resubmitted for Department review and approval.

B. APPROVED CHANGE ORDERS

Change (contract order number or descriptive reference)

(Reviewing Engineer)

(Title)

(Date of Approval)

C. APPROVAL TO OPERATE

The "Interim Approval to Operate" or "Final Approval to Operate" section must be completed and signed by the Department to continue to use this system beyond 90 days following the construction completion date.

Interim Approval to Operate:

The construction of the above referenced domestic wastewater disposal system was completed on _____. The system is hereby granted an extension of the **INTERIM APPROVAL TO OPERATE** until _____ date. It is illegal to operate the domestic wastewater disposal system beyond this date without **Final Approval to Operate** from the Department.

(Reviewing Engineer)

(Title)

(Date of Approval)

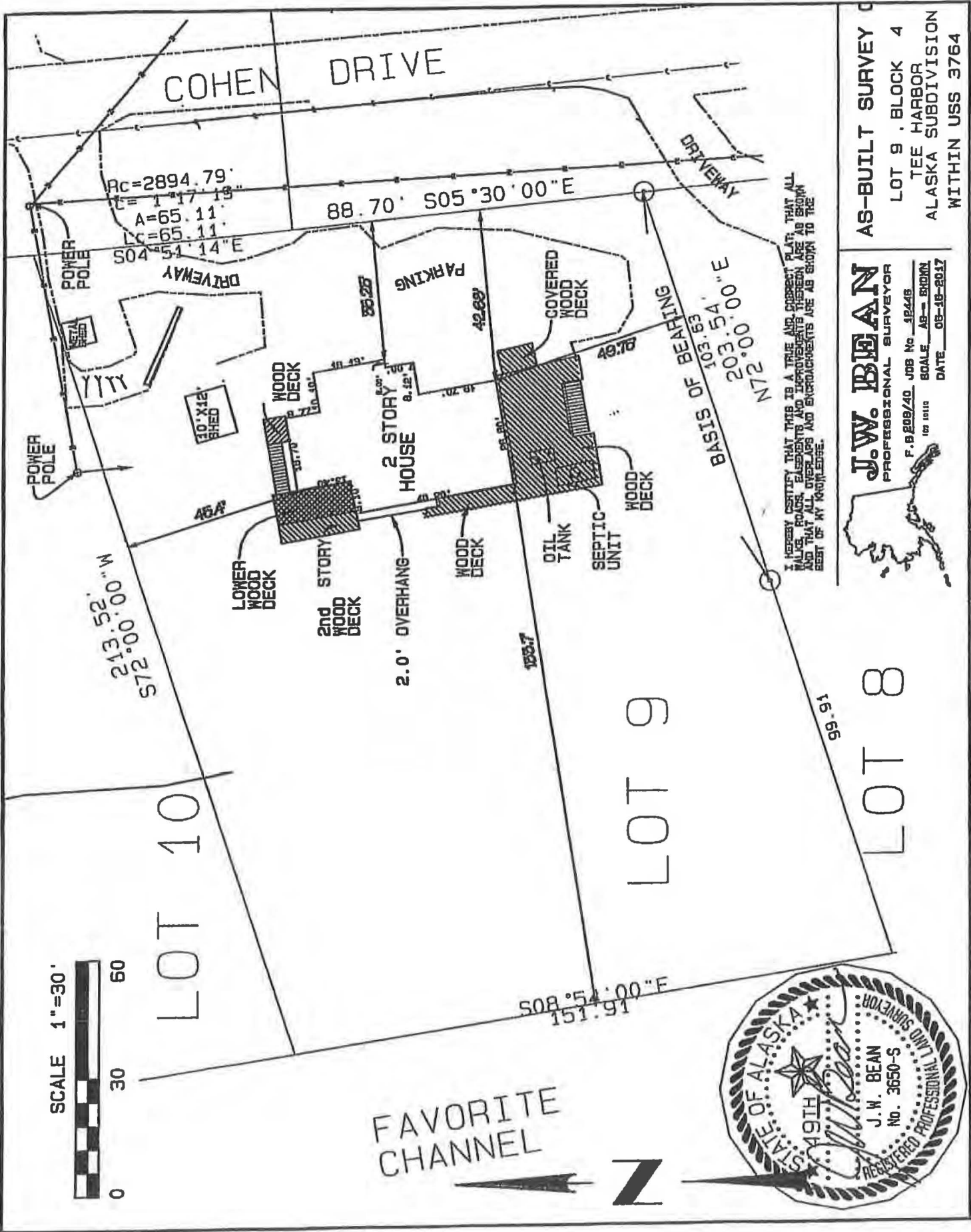
Final Approval to Operate:

Record drawings and other documents submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. The system is hereby granted **FINAL APPROVAL TO OPERATE**.

(Reviewing Engineer)

(Title)

(Date of Approval)



Attachment F

Packet Page 35 of 650

LEGEND

- ✠ Indicates BLM Brass Monument
- ⊙ Indicates ADL Brass Monument Set this Survey in 30" Steel Pipe or Grouted in Solid Rock
- + Indicates Wood Post
- Indicates BPR 6"x6" Conc. ROW Monument



I, the undersigned, hereby certify that the above is the correct copy of the original as shown herein. I hereby certify for the State of Alaska.

Director, Alaska Division of
Lands

Mr. Madoff
File for Name
Commission Expires December 14, 1993
PUBLIC UTILITIES, AND ROADWAYS
for public use, as well as
city areas, and roadways as

W. H. Bell
Director, Alaska Division of
Lands

*... actually
... tails are*

261-E
Registration No.

February 20, 1967
Date

261-E
Registration No.

**CERTIFICATION OF APPROVAL
BY THE BOARD**

I hereby certify that the Sub-
division Plat shown hereon has been
found to comply with the subdivision-

approved by the board by plat resolution no. 108 dated 10 April 1967, and that the plat shown herein has been approved for recording in the office of the District Magistrate

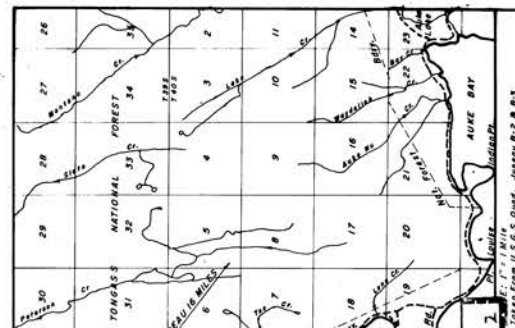
10 April 1967
156
Ray Decker
California, from James Beronik

PLATING BOARD

4.02 Ac.
26.91 Ac.
16.61 Ac.
20.10 Ac.
4.21 Ac.
10.32 Ac.
82.17 Ac.

Π
CERTIFICATE

ity that I am registered to practice land surveying in that this plat represents a survey made by me or under my supervision, and the monuments shown hereon actually located, and that all dimensional and other details are true to the best of my knowledge.



Attachment G



PDC

PROJECT: 19933 COHEN DRIVE
GARAGE / APARTMENT
RON & SANDRA ALINE

HEET TITLE: SITE PL

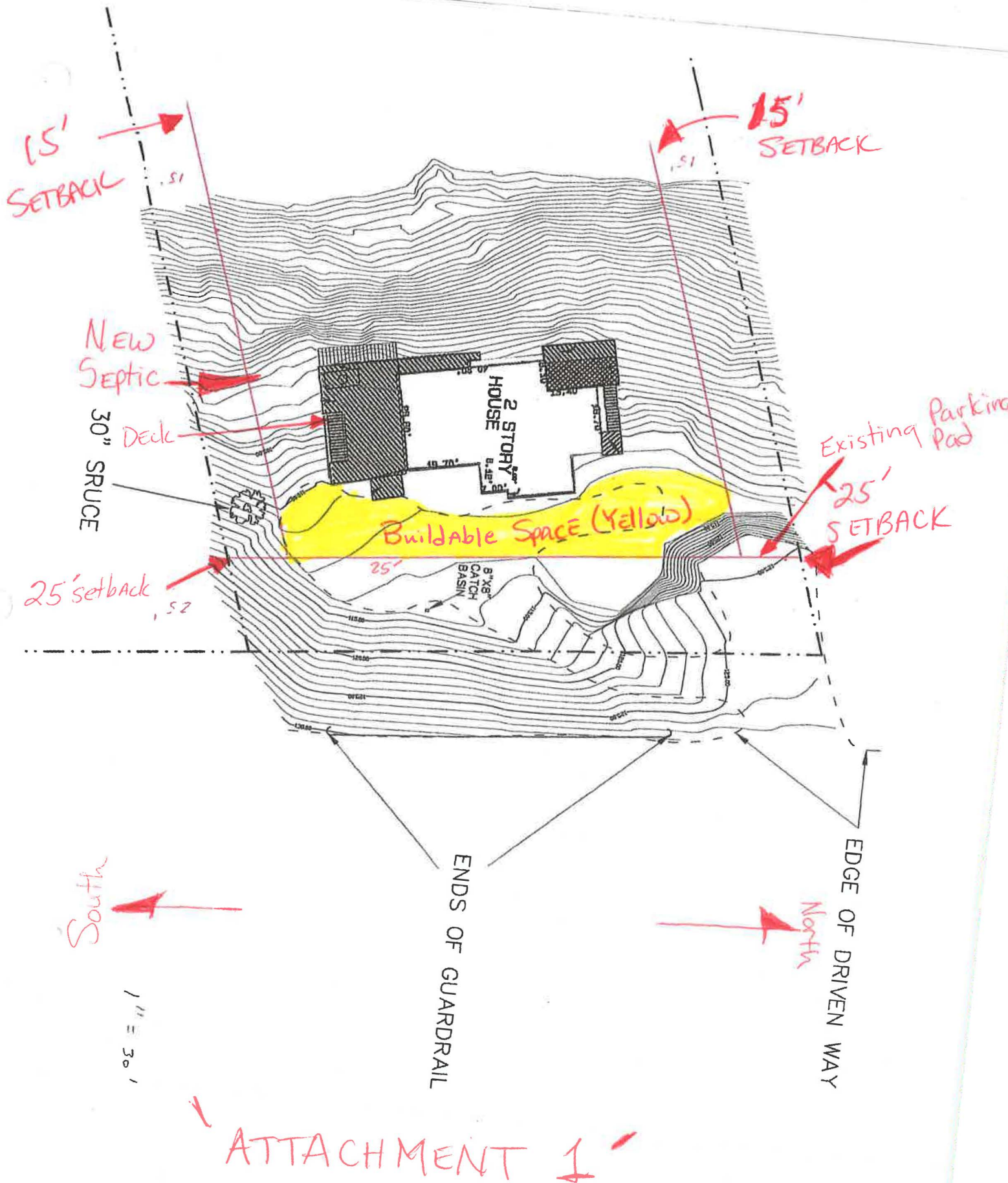
DESIGN
DRAWN
CHECKED
DATE

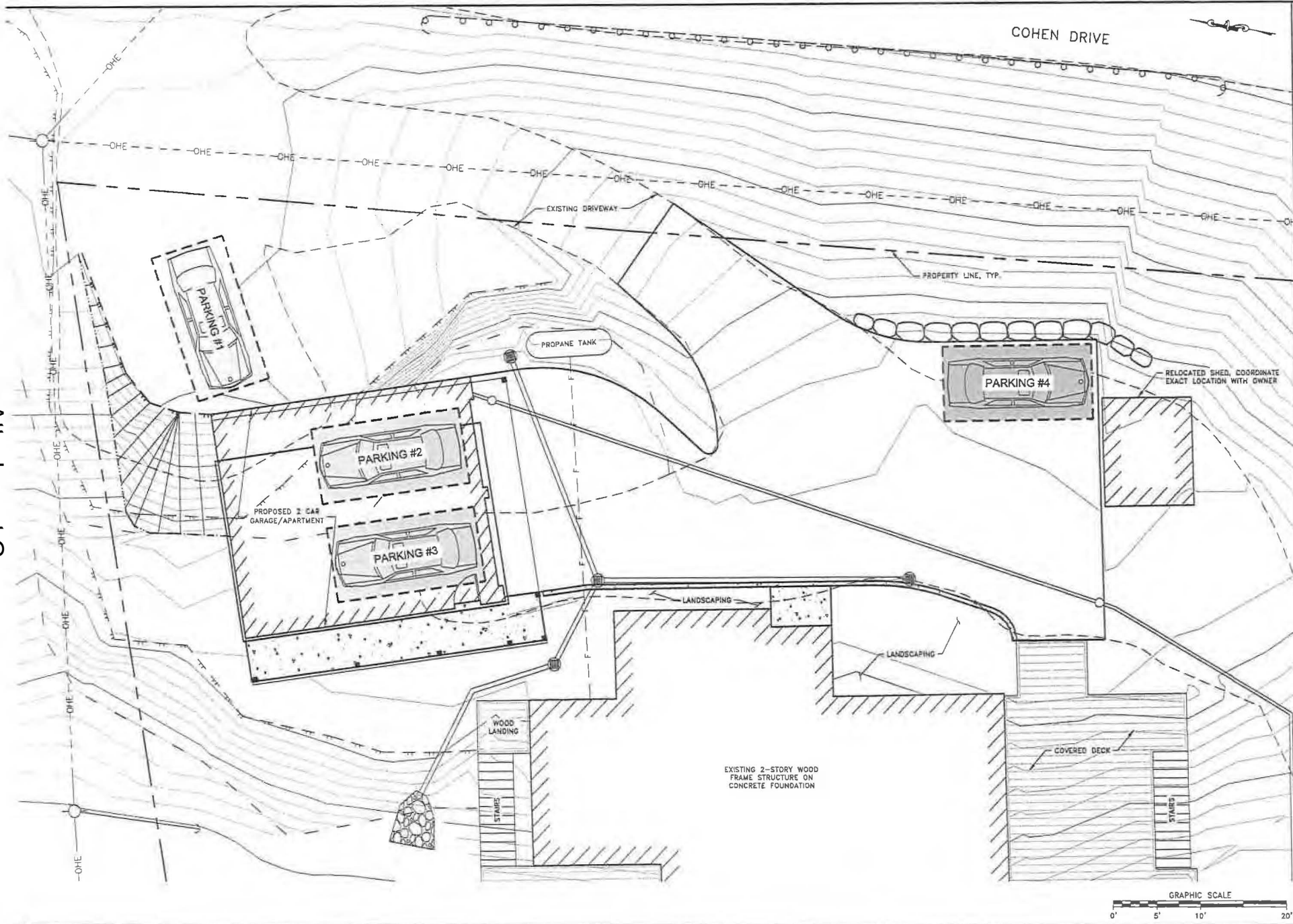
PROJECT	18206
SHEET NO.	

C1



19933 Cohen Drive
Garage / Apartment





CONSULTANT:



PROJECT:
19933 COHEN DRIVE
GARAGE / APARTMENT
RON & SANDRA ALINE

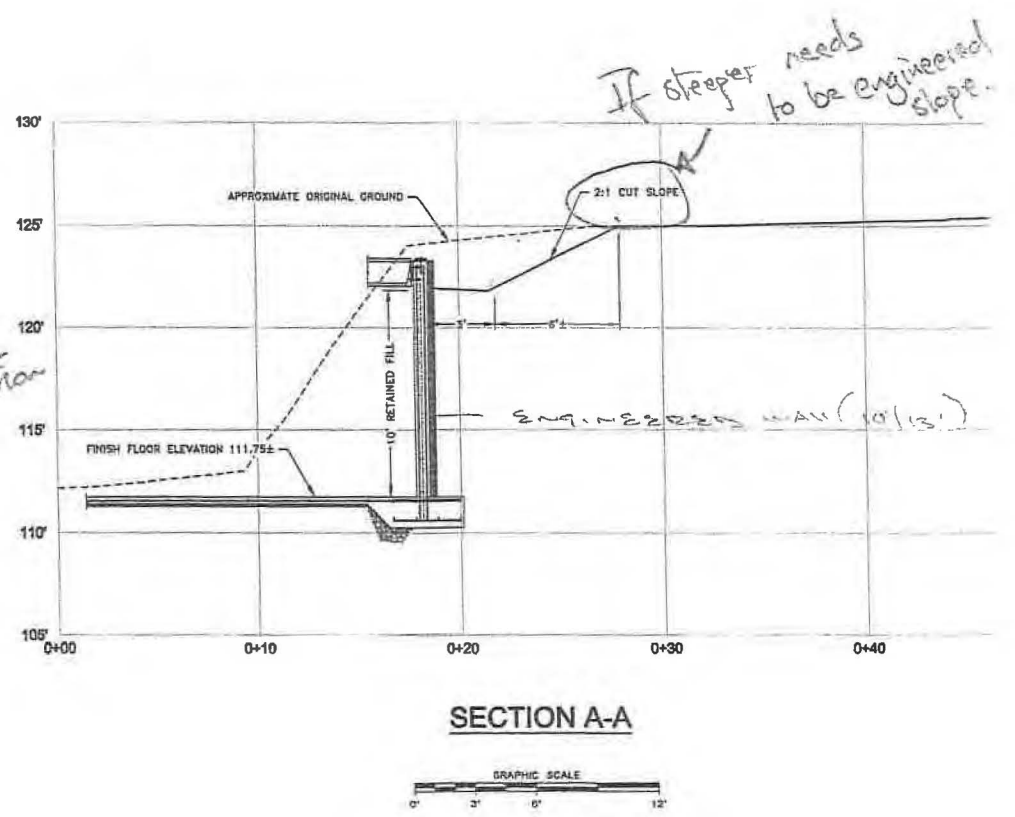
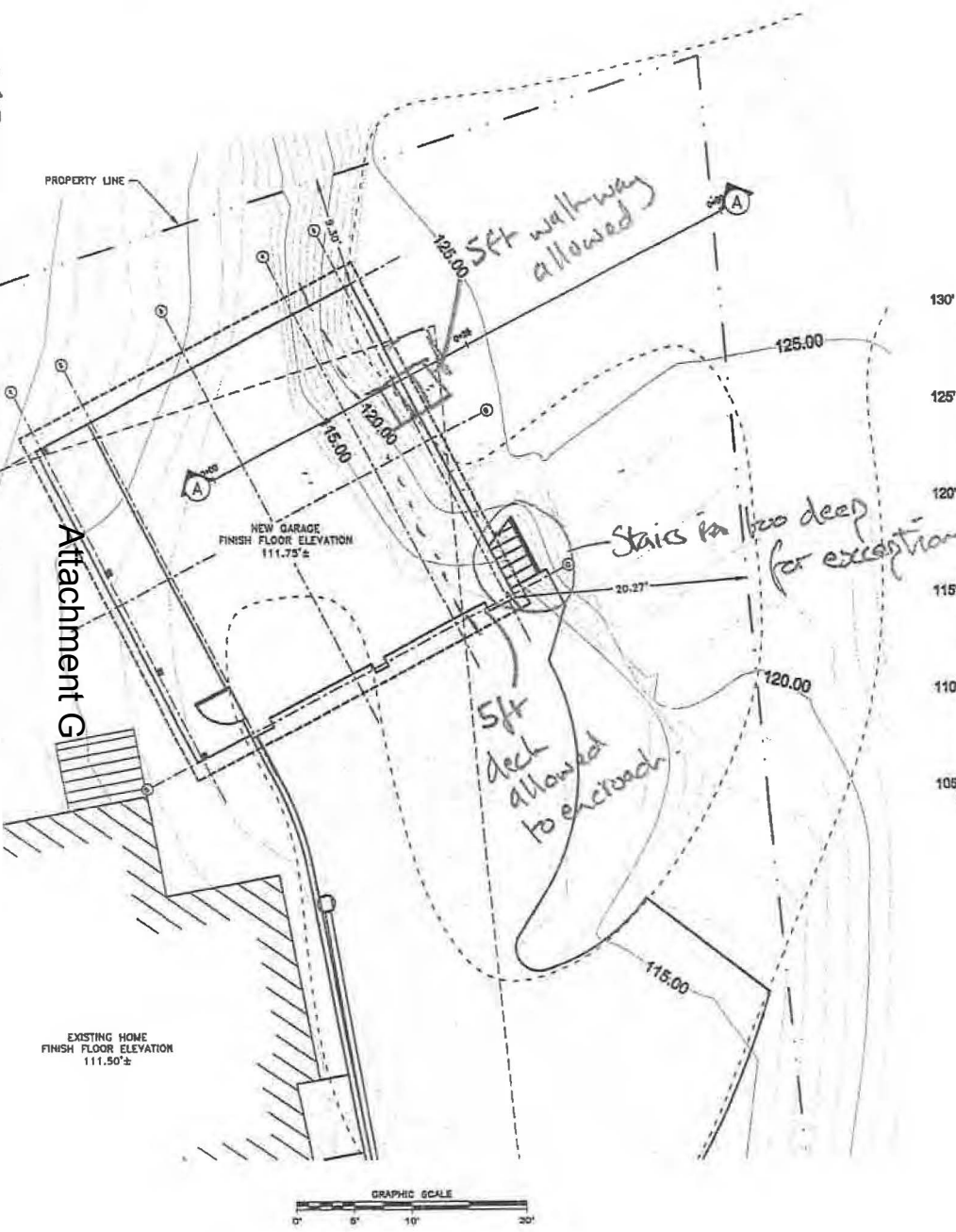
SHEET TITLE:
PARKING FIGURE

DRAWN
CHECKED
DATE

PROJECT #
18206J

SHEET NUMBER

C5



Attachment H



Attachment H



Attachment H



Attachment H



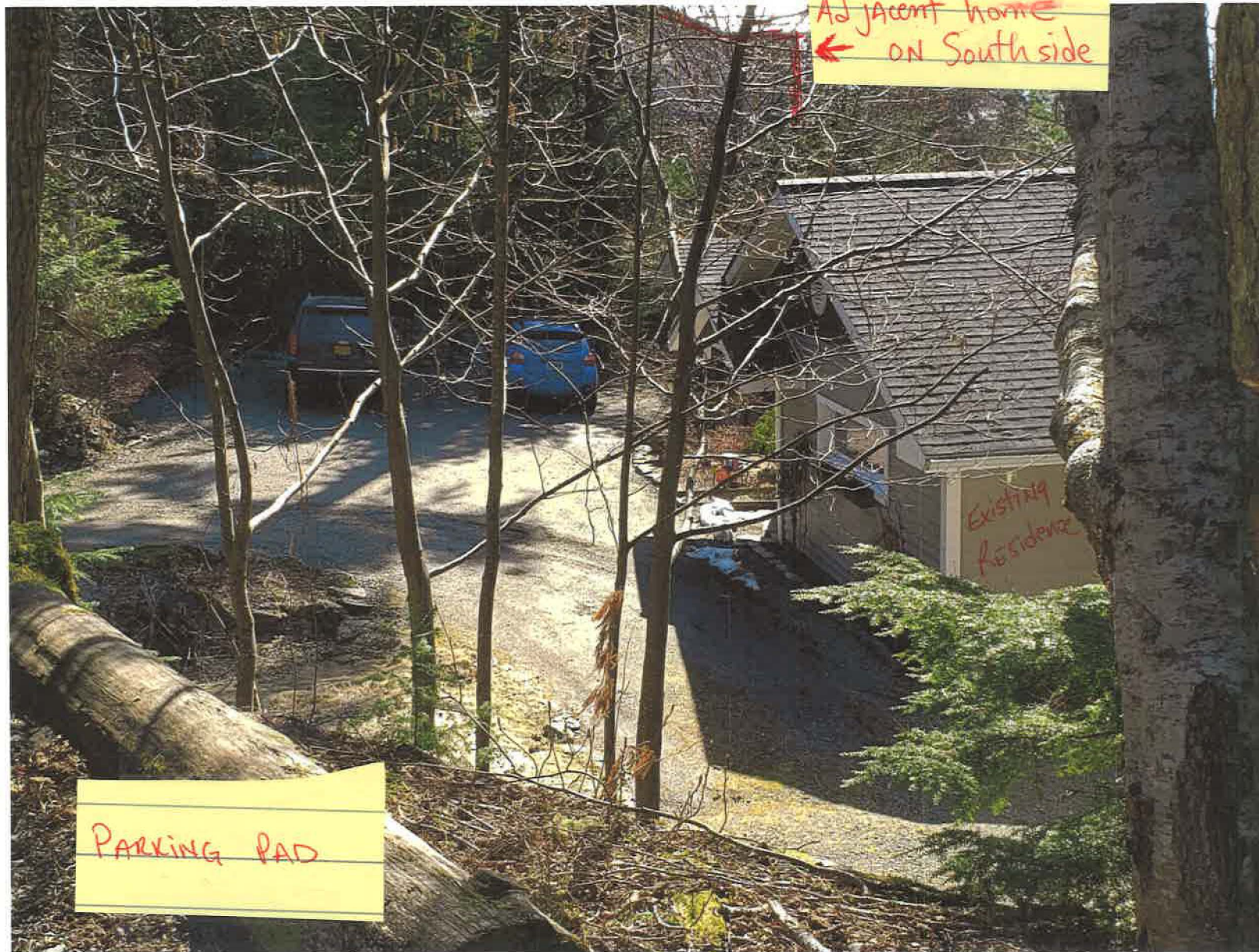
View from mailbox across the street

Attachment H



5

Attachment H



⑥

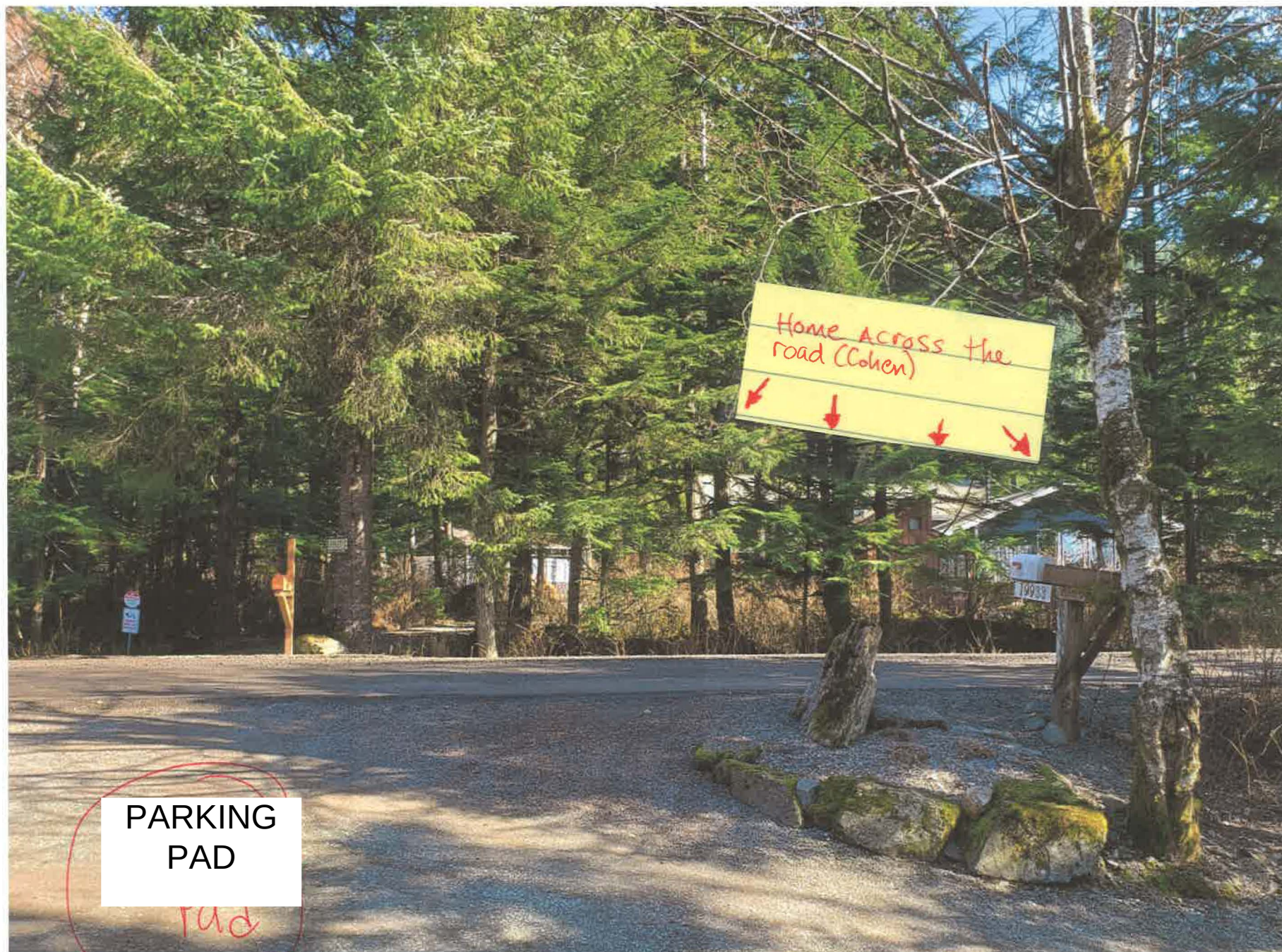
Adjacent Home North side



Attachment H

PARKING Pad

Attachment H



8

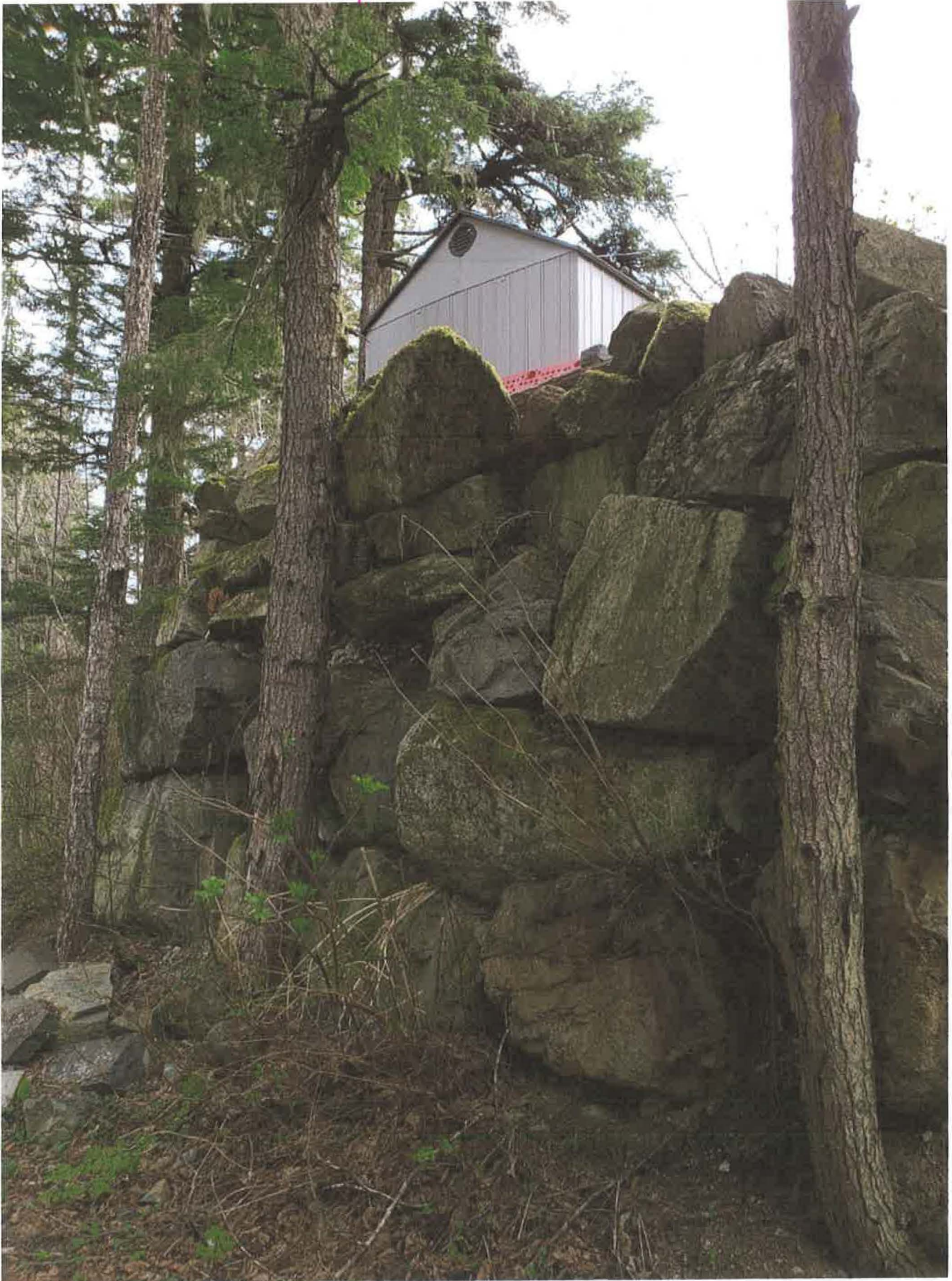
Attachment H



North
Side of
Residence

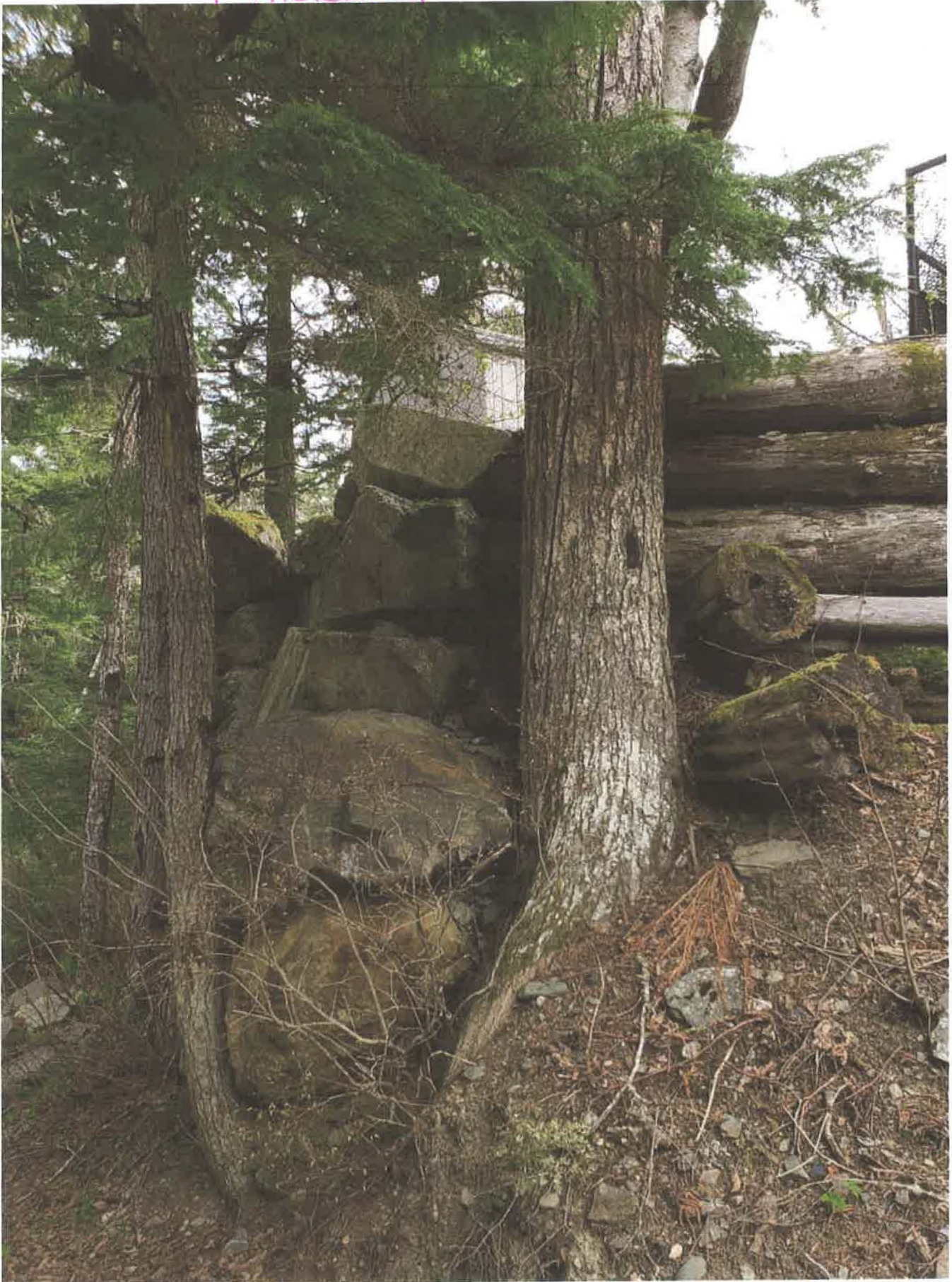
To the way

Parking Pad - C



Attachment H

PARKING PAD - B



Attachment H

PARKING PAD - A



Parking Pad - A

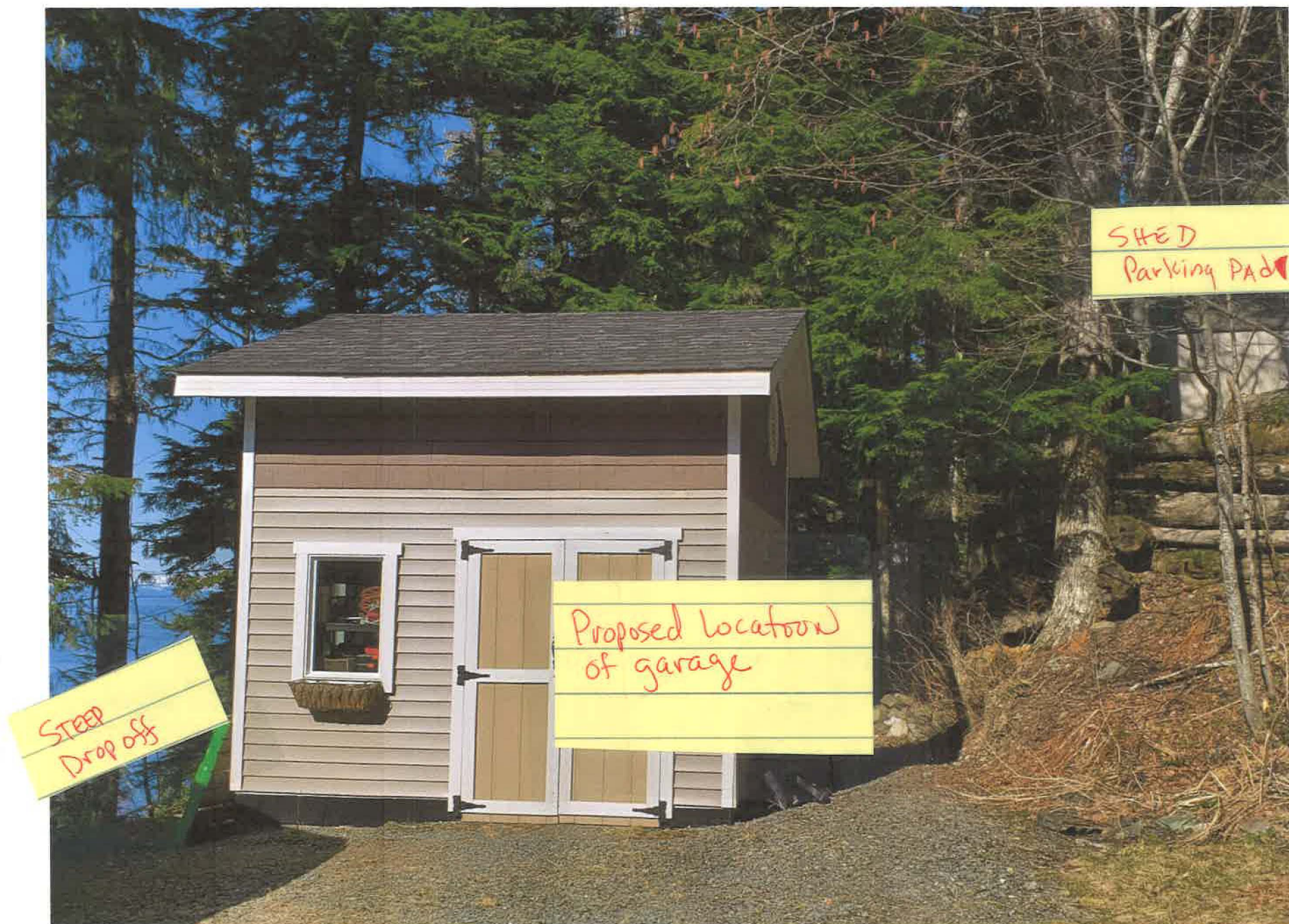
Attachment H

Attachment H



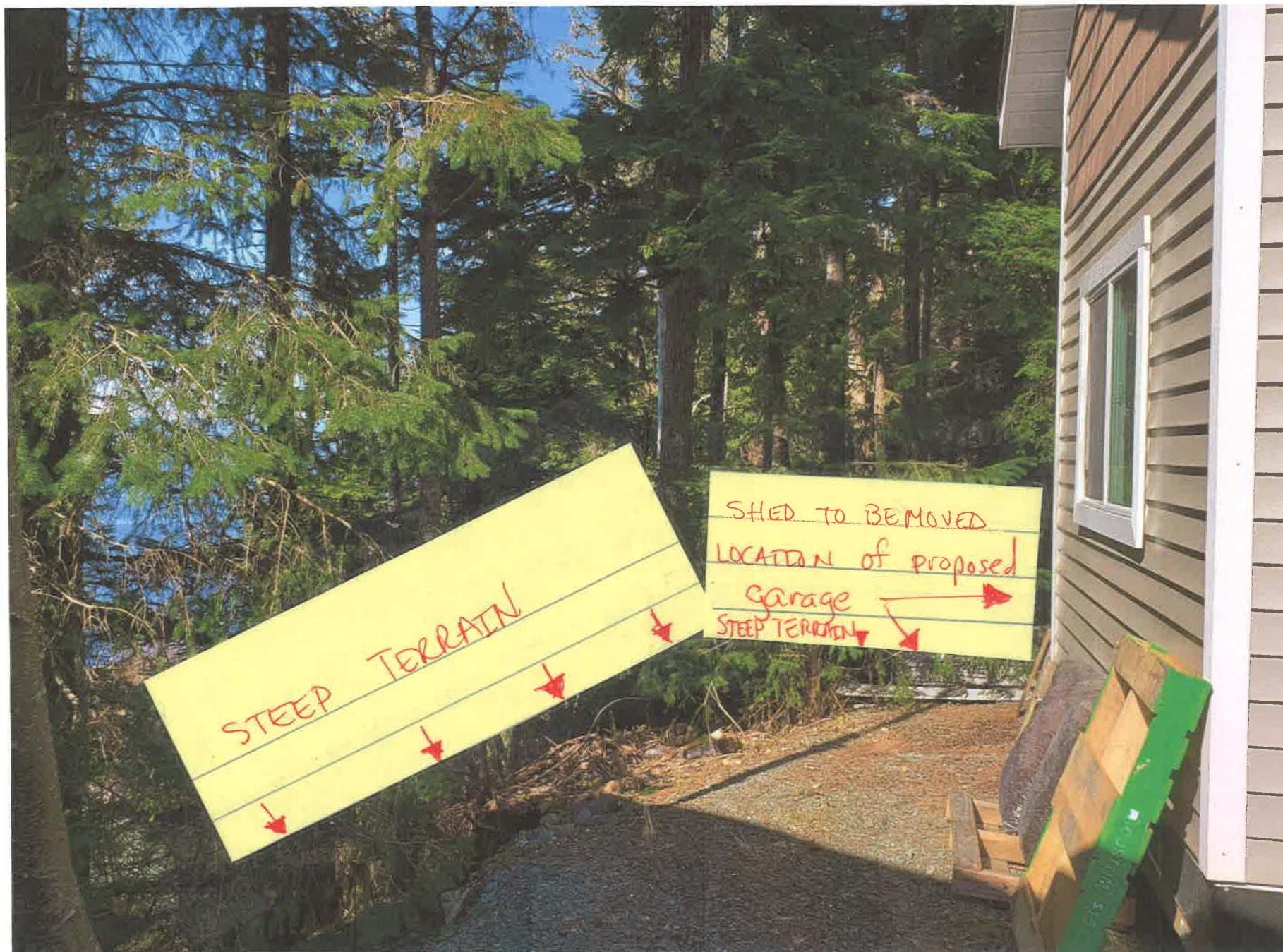
JD

Attachment H



11

Attachment H



12

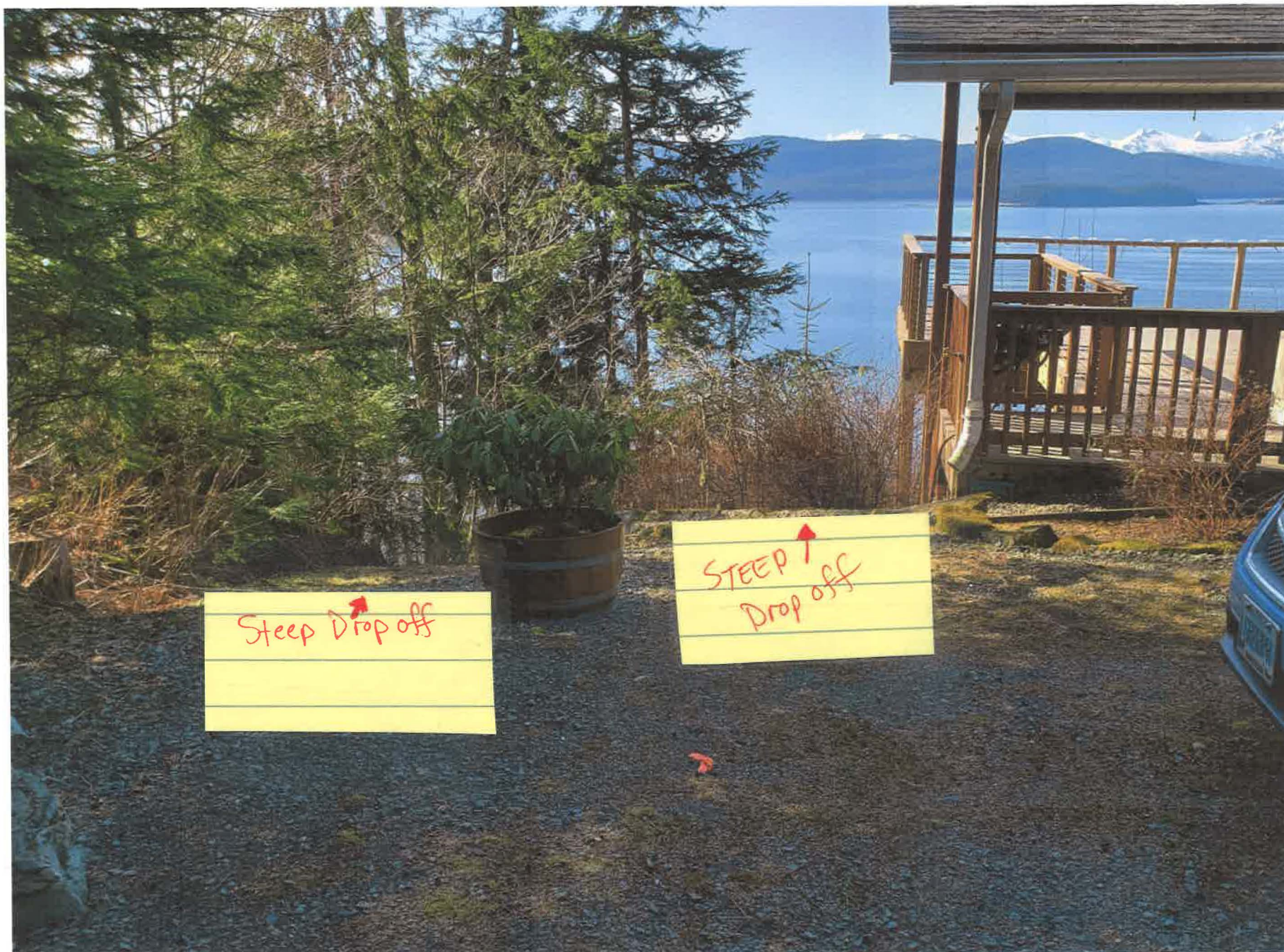
Attachment H



Attachment H



Attachment H



Attachment H



Attachment H



Existing
Parking
Pad

Attachment H



Existing
Parking
Pad

Attachment H





Attachment H



Attachment H



Attachment H



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Aline Accessory Apartment on an Undersized Lot

Case Number: PAC20190017

Applicant: Ron Aline

Property Owner: Ron & Sandra Aline

Property Address: 19933 Cohen Drive

Parcel Code Number: 8B3701040090

Site Size: 31,363 Square Feet

Zoning: D1

Existing Land Use: Single-Family Dwelling

Conference Date: 3/20/2019

Report Issued: 3/21/2019

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Sandra Aline Ron Aline	Applicant	Juneausaga@yahoo.com Ron.aline_907@yahoo.com / r.aline051504@yahoo.com
Laurel Bruggeman	Planning	laurel.bruggeman@juneau.org
John Young	Building	John.young@juneau.org
Autumn Sapp	General Engineering	Autumn.sapp@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – The parcel is in the D1 zoning district; the minimum lot size is 36,000 square feet. The parcel measures 31,363 square feet. Per CBJ 49.25.510(k)(2)(E)(ii) an accessory apartment not to exceed 600 square feet is allowed on lots that do not meet the minimum lot size for the zoning district, only after the issuance of a conditional use permit by the Planning Commission.
2. **Setbacks** – Setbacks for this parcel have been reduced from the minimum for the zoning district using the following setback exceptions:
 - a. Front yard setback reduced from 25' to 22.92' per 49.25.430(4)(F).
 - b. The garage on the parcel may encroach into the front yard or side yard setback per 49.25.430(4)(H); the accessory apartment may not be within the required setbacks. The garage may be no closer than 5' to any property line.
 - c. Rear yard setback was reduced from 25' to 0' per CBJ 49.25.430(4)(G). This setback exception applies to all structures on the parcel.
 - d. Side yard setbacks – 15' on each side.
3. **Height** – 35' permissible uses; 25' accessory uses
4. **Access** – Cohen Drive
5. **Parking** – 3 total – 2 for the single family dwelling; 1 for the accessory apartment. A site plan should be included with the application showing how this parking requirement will be met. Parking spaces within the garage can be used.
6. **Lot Coverage** – 10% maximum for the D1 zoning district.
7. **Vegetative Coverage** – 20% minimum for the D1 zoning district.
8. **Flood** – Bottom half of the parcel is within the V Flood Zone, if structure is proposed within the flood zone, special regulations apply per CBJ 49.70.400. As currently proposed, the new accessory apartment and garage will not be within the flood hazard area.
9. **As-Built Survey** – Please note that when an applicant is working with 3' of a required setback, an as-built survey for the structure is required. Additionally, a surveyor will likely be required to verify setbacks before the foundation is poured. This will be addressed during building permit review.

Building Division:

10. **Building** – Fire separation required between garage and residence, see handout for examples.
11. **Outstanding Permits** - None

General Engineering/Public Works:

12. **Engineering** – NA
13. **Drainage** – NA
14. **Utilities** – (water, power, sewer, etc.)

Attachment I

Pre-Application Conference Final Report

- a. A water utility permit will need to be obtained to allow for the minimum of a 1-1/4" water line to be installed to the new structure, based on the attached Water Line Information sheet. The additional dwelling unit will require a 1-1/2" meter to be installed. The meter is required to be installed prior to any branches in the plumbing line. Visit the following link: http://www.juneau.org/engineering/documents/420_000.pdf for CBJ Standard Detail 420, Meter Installation, for meter clearances and conduit installation requirements for the remote read-out (MIU) installation. The meter is to be installation and conduit installation is the responsibility of the applicant. An additional water assessment will need to be paid prior to the issuance of the water utility permit.

Fire Marshal:

15. Fire Items/Access – No fire code issues at this time.

Other Applicable Agency Review:

16. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application: <http://www.juneau.org/cddftp/documents/DPA.pdf>
2. Conditional Use Permit Application: <http://www.juneau.org/cddftp/documents/USE-Allowable-ConditionalUse.pdf>
3. Accessory Apartment Grant Information and Application: <https://beta.juneau.org/housing/accessory-apartment-grant>

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. All items listed on the Conditional Use Permit Application
3. Site plan demonstrating how parking and vegetation requirements are being met and showing where the structure is proposed in relation to property lines.
4. Interior site plan demonstrating that the accessory apartment does not exceed 600 square feet.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. None

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Attachment I

Pre-Application Conference Final Report

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit Fee: \$350.00
2. Public Notice Sign Fee (\$50.00) and Deposit (\$100.00) - \$150.00 total
3. Water Utility Permit – (issued with building permit, not necessary for Conditional Use)
 - a. \$1,500 – Water assessment fee. Covers the cost of permit issuance, water line inspections, issuance of meter, and MIU installation.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

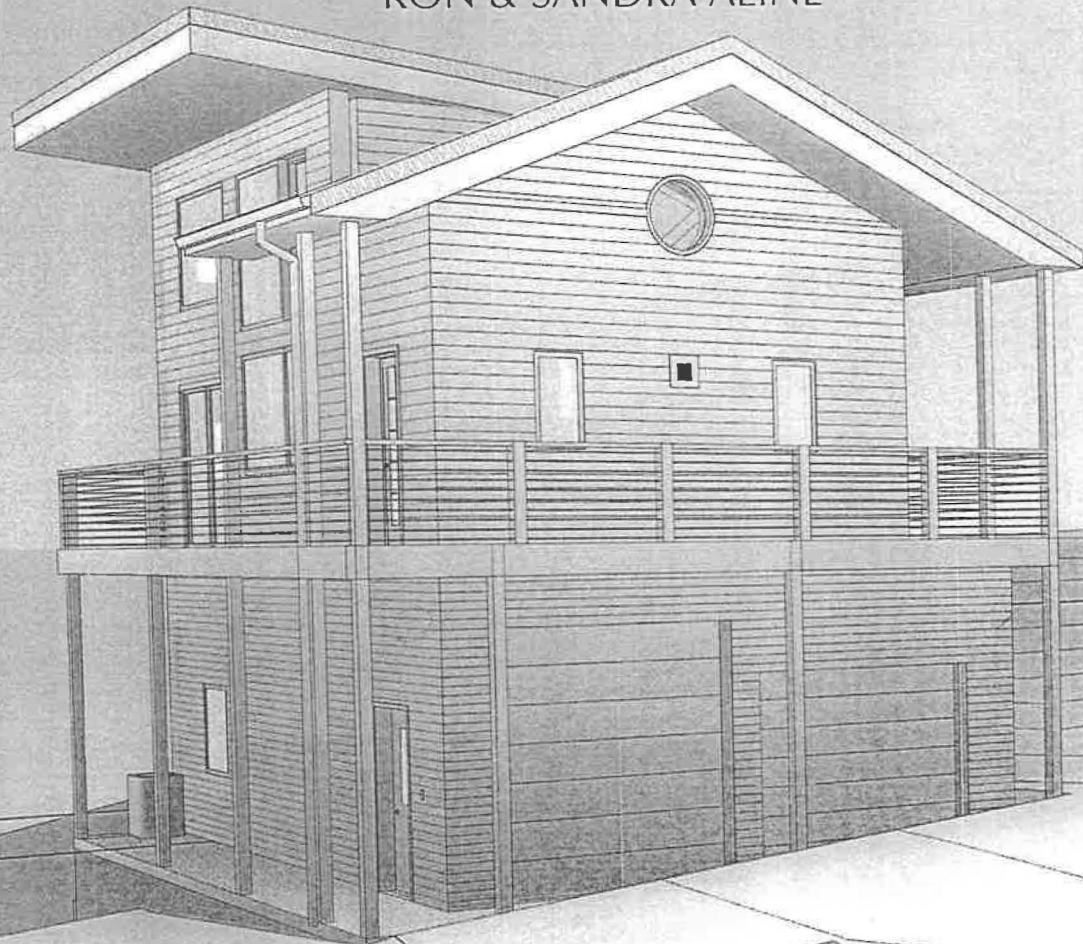
City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

19933 COHEN DR GARAGE / APT.

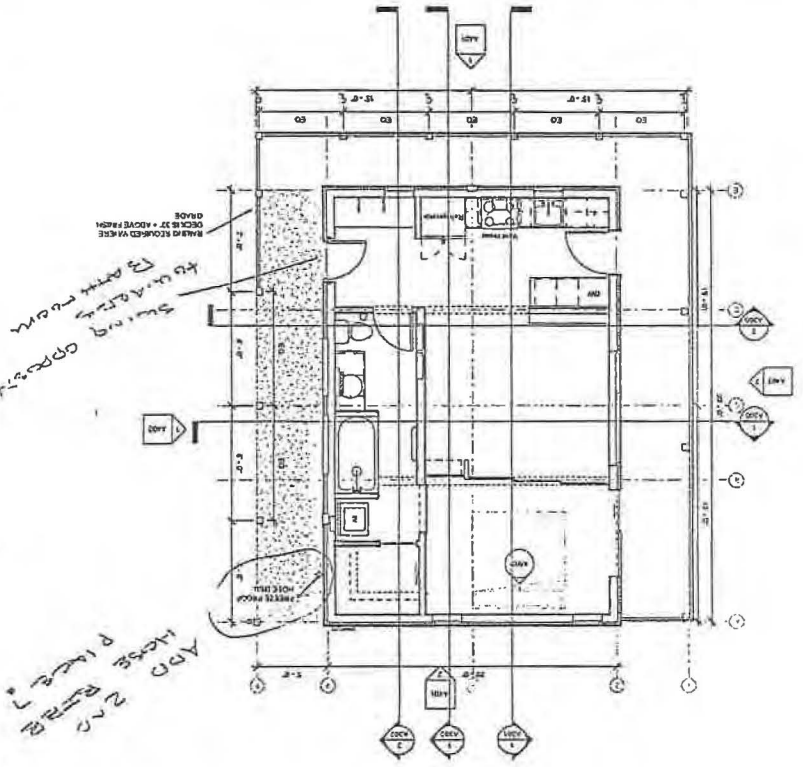
For
RON & SANDRA ALINE

Attachment J

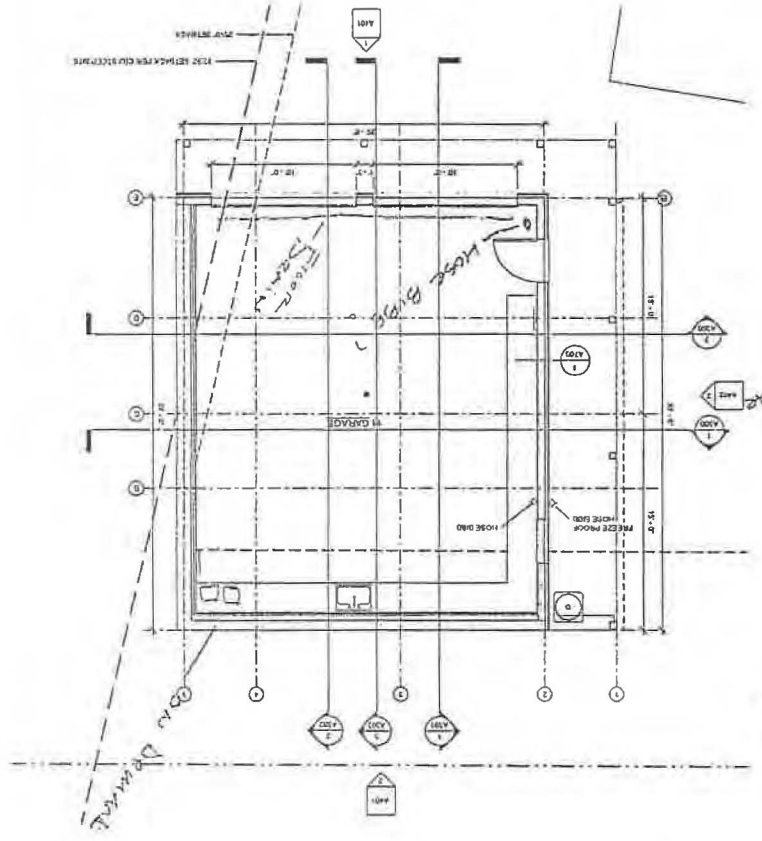


Parking PAD
↙ ↓ ↓ ↓ ↓

② FLOOR 2 -
1/4" = 1'-0"



① FLOOR 1
1/4" = 1'-0"



NOTE: 1/4" = 1'-0" PRINT IS HALF SIZE

PROJECT NO. 19-0001

DATE: 02-26-2019

SHEET TITLE: FLOOR PLANS

SHEET NO. 1/1

PROJECT NO. 19-0001

DATE: 02-26-2019

SHEET TITLE: FLOOR PLANS

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PROJECT NO. 19-0001

DATE: 02-26-2019

SHEET TITLE: FLOOR PLANS

SHEET NO. 1/1

PROJECT NO. 19-0001

A201

PROJECT NO. 19-0001

DATE: 02-26-2019

SHEET TITLE: FLOOR PLANS

SHEET NO. 1/1

PROJECT NO. 19-0001

DATE: 02-26-2019

SHEET TITLE: FLOOR PLANS

SHEET NO. 1/1

PROJECT NO. 19-0001

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DATE: 02-26-2019

SHEET TITLE: FLOOR PLANS

SHEET NO. 1/1

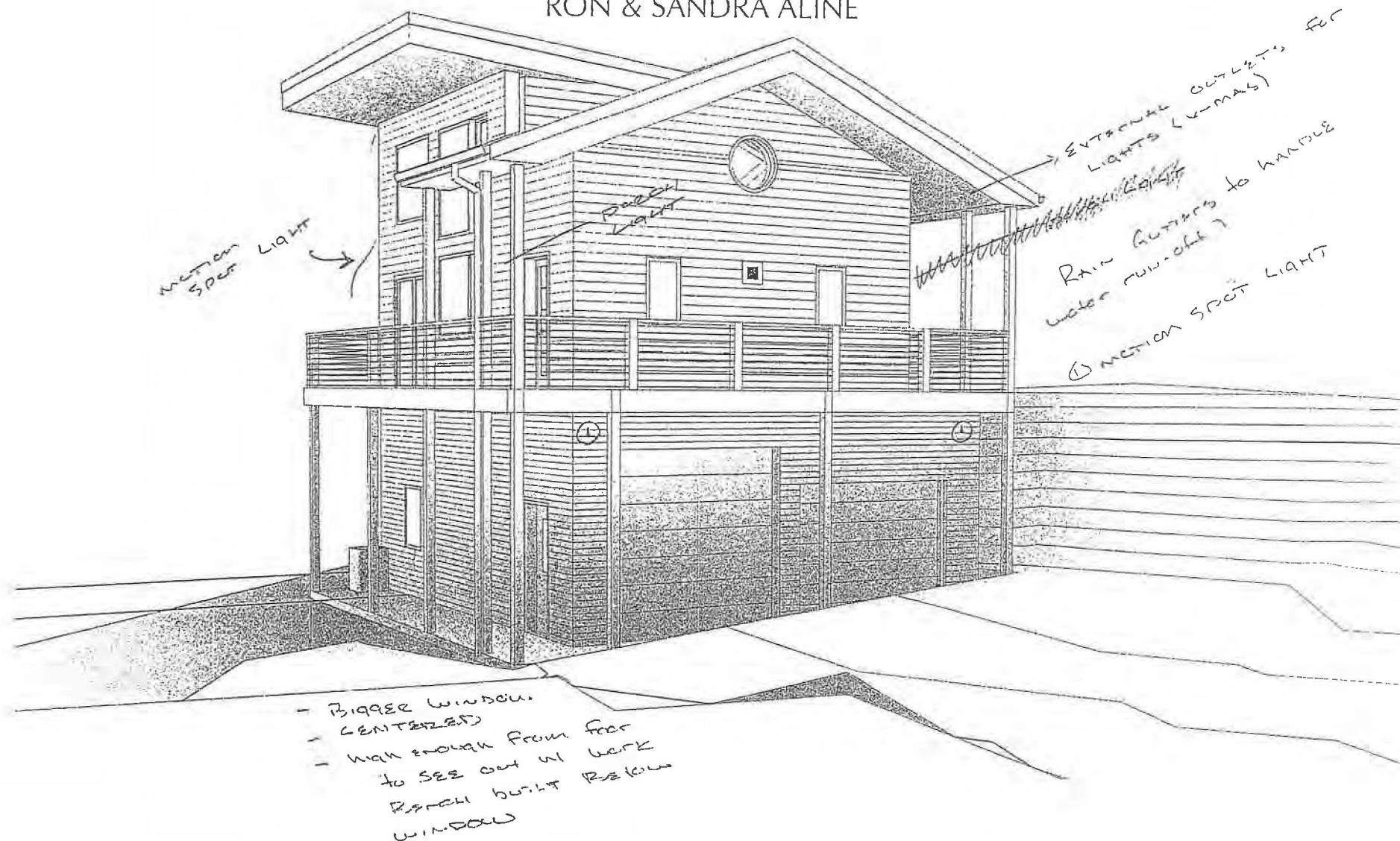
PERMIT SET
19933 COHEN DR GARAGE / APT.
RON & SANDRA ALINE

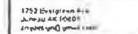
Attachment J

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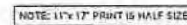
For
RON & SANDRA ALINE

Attachment J





A203



A300

NOTE: 11"x17" PRINT IS HALF SIZE

Subject: FW: USE19-10/VAR19-02

From: Ron Aline [mailto:ron.aline_907@yahoo.com]

Sent: Saturday, April 20, 2019 11:39 PM

To: Amy Liu

Subject: RE: USE19-10/VAR19-02

Amy,

Tim originally gave us information allowing for the 9.3' setback but after our accessory apartment planning meeting it states that the side setback had to be 15' per D1 Zoning particulars therefore we are applying for the Administrative Variance for approval for the 13' offset.

We are applying for the side setback at 13' and the front setback at 22.92'.

Any questions, please give me a call.

Thanks

Ron

P.S. Could you cc an email of: juneausaga@yahoo.com

Ron,

Per our call today, I'll schedule you the Conditional Use for the May 28 PC hearing.

I have a question about the attached site plan. The setbacks show 9.3' from the side, and 20.27' from the front. Alternatively, your variance application states that the setbacks will be 13' and 22.92' respectively. **Could you verify the setbacks you intend for the application?** Thanks!

Amy



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT NOTICE OF DECISION

DATE: May 22, 2019
FILE NO.: VDM2019 0003

Ronald Aline & Sandra Garcia-Aline
PO Box 23031
Juneau, AK 99802

Proposal: An Administrative Variance request to reduce a side yard setback from 15 feet to 13 feet

Property Address: 19933 Cohen Drive

Legal Description: Tee Harbor Alaska, Block 4, Lot 9

Parcel Code Number: 8B3701040090

The Director of Community Development, based on the analysis and findings of the attached memorandum dated May 22, 2019, approved your request for an Administrative Variance to reduce the northern side yard setback from 15 feet to 13 feet.

Attachment: May 22, 2019, memorandum from Amy Liu, Community Development, regarding VDM2019 0003.

This Notice of Decision does not authorize any construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

Effective Date: The variance is effective on the date of the Director's, or her designee's, signature below.

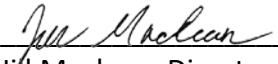
This Notice of Decision constitutes a final decision of the CDD Director. Appeals must be brought to the Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 p.m. on the day, twenty days from the date the decision is signed by the Director, in accordance with

Ronald Aline & Sandra Garcia-Aline
VDM2019 0003
May 22, 2019
Page 2 of 2

section 49.15.239(b). Any action by the applicant in reliance on the decision of the Director shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.110).

If you have any questions regarding your project or anticipate any changes to your plans, please contact planner Amy Liu at the Community Development Department at 586-0764.

Director:



Jill Maclean, Director
Community Development Department

5/22/2019

Date

cc: Plan Review
Bldg. File

Laurel Christian

From: Laurel Christian
Sent: Wednesday, May 22, 2019 8:19 AM
To: 'Chuck Cohen'
Subject: RE: Case No USE2019=0013

Good morning Chuck,

I appreciate your concerns, and your comments will be passed on to the Planning Commissioners with their additional materials packet. The applicant is aware of the 2018 FIRM Maps (not yet adopted) and the current FEMA Flood Zone designation for the property (2013 FIRM Maps). CBJ 49.70.400 governs Flood Hazard Areas and provides construction requirements for the various flood hazard zones. Grading and drainage will be reviewed when a building permit or grading permit is applied for.

Please note that a Conditional Use Permit does not authorize construction activity.

Thank you,

Laurel Christian | Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0761

Please note name change (Bruggeman to Christian) and new email: Laurel.christian@juneau.org

From: Chuck Cohen <kodzoff@alaskan.com>
Sent: Wednesday, May 22, 2019 5:34 AM
To: Laurel Christian <Laurel.Christian@juneau.org>
Subject: Case No USE2019=0013

Laurel:

Our principle concern regarding this proposed commercial development is adverse impact to our common property areas and the property of homeowners in our community. Adverse impacts take several forms. The most obvious is drainage and flooding. The 2018 corrected and revised FEMA maps show most of this proposed building site in the flood plain at its current elevation, which is lower than the elevation of our road and adjacent houses. Any construction that alters elevation on the proposed site will divert water to our property and the lots of adjacent homeowners. Flooding our adjacent land will most certainly affect its current use, traffic pattern and value and marketability. Moreover, a city may be held liable for failure to properly consider flooding and drainage issues when issuing discretionary permits, such as conditional use permit for this commercial project. Please pass this comment on to the Planning Commission along with the enclosed legal article.

Thanks you.

Chuck Cohen
 Managing Member
 Kodzoff Acres LLC
 d/b/a Kodzoff Acres Mobile Home Park



NO ADVERSE IMPACT AND THE COURTS: PROTECTING THE PROPERTY RIGHTS OF ALL

Prepared for the Association of State Floodplain Managers



By:
Jon A. Kusler, Esq. and
Edward A. Thomas, Esq.

Special Edition

Minnesota Association of Flood Plain Managers

November 2007

PREFACE

This paper discusses selected legal issues associated with a “No Adverse Impact” floodplain management approach. The primary audience for this paper is government lawyers and lawyers who advise government officials such as land planners, legislatures, and natural hazard managers or who defend governments against natural hazard-related common law or constitutional actions. The secondary audience is government officials, regulators, academics, legislators, and others undertaking actions which may impact or reduce flood hazards. Given the primary audience, we have included many case law citations in the paper.

The paper addresses the general law of the nation. Anyone wishing for more specific guidance pertaining to their state should contact a local attorney.

The paper is based, in part, upon a review of floodplain cases over the last twenty years. Sam Riley Medlock, CFM, a student at Vermont Law School, updated case law, drafted the chapter on 42 U.S.C. § 1983, and added images and credits for this 2007 edition. Research for the 2005 edition was carried out by the authors and by Todd Mathes, a law student at the Albany Law School. The paper is also based upon earlier surveys of flood, erosion and other natural hazard case studies carried out by Dr. Jon Kusler in preparing a 1993 report, *The Law of Floods and Other Natural Hazards*, which was funded by the National Science Foundation.

For other legal publications by Dr. Kusler on related subjects, see Kusler, J., *Wetland Assessment in the Courts*, Association of State Wetland Managers (2003); Kusler, J., *The Lucas Decision, Avoiding “Taking” Problems With Wetland and Floodplain Regulations*, 4 Md. J. Contemp. L. Issues 73 (1993); Kusler, J., *Regulating Sensitive Lands*, Ballinger Publishers (1985); Kusler, J., et al., *Our National Wetland Heritage*, The Environmental Law Institute (1985); Kusler, J. and Platt, R., *The Law of Floodplains and Wetlands: Cases and Materials*, American Bar Association, Special Committee on Housing and Urban Development Law (1982); Kusler, J., et. al., *Regulation of Flood Hazard Areas to Reduce Flood Losses*, U.S. Water Resources Council, U.S. Government Printing Office (Vol. 1, 2, 3) (1972, 1973, 1975); Kusler, J., *Open Space Zoning: Valid Regulation or Invalid Taking?*, 57 Minn. L. Rev. 1 (1972); Kusler, J., *Water Quality Protection for Inland Lakes in Wisconsin: A Comprehensive Approach to Water Pollution*, 1970 Wis. L. Rev. 35 (1970).

For other publications by Attorney Thomas on related topics, see Thomas, E. A., *Liability for Water Control Structure Failure Due To Flooding*, Association of State Floodplain Managers, 2005.

We thank the many who have reviewed drafts of the paper and provided helpful comments. We thank particularly Professor Pat Parenteau, Esq., from Vermont Law School, and Larry Larson and other staff at ASFPM. We contemplate that this paper will be continuously updated and improved. Comments, suggestions, and input are always welcome through the Association of State Floodplain Managers.

Jon Kusler and Ed Thomas

This publication was funded by the McKnight Foundation, the ASFPM, the ASFPM Foundation, and Michael Baker Inc.

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EXECUTIVE SUMMARY

This paper examines the No Adverse Impact, or NAI, approach for community floodplain management from several legal perspectives. With such an approach, a community implements a goal not to increase flood peaks, flood stage, flood velocity, erosion, and sedimentation in public works projects, development permitting, and other activities.

The paper first considers the relationship of an NAI approach to landowner common law rights and duties pertaining to flooding and erosion. The paper next considers the constitutionality of floodplain regulations incorporating a No Adverse Impact standard. Through legal research and analysis, we reach the following conclusions:

The No Adverse Impact approach is consistent with common law rights and duties, and will reduce the potential for successful lawsuits against communities (e.g., nuisance negligence) by private landowners for increasing flood and erosion hazards on private lands. From a common law



perspective, a No Adverse Impact approach for floodplain management coincides, overall, with traditional, truly ancient common law public and private landowner rights and duties with regard to the use of lands and waters. Courts have followed the maxim “Sic utere tuo ut alienum non laedas,” or “so use your own property that you do not injure another’s property.” See *Keystone Bituminous Coal Association v. DeBenedictis*, 480 U.S. 470 (1987) and many cases cited therein. This maxim characterizes overall landowner rights and duties pursuant to common law nuisance, trespass, strict liability, negligence, riparian rights, surface water law rights and duties (many jurisdictions), and statutory liability. At common law, no landowner (public or private) has a right to use his or her land in a manner that substantially increases flood or erosion damages on adjacent lands except in a dwindling number of jurisdictions applying the “common enemy” doctrine to diffused surface or flood waters.

Communities which adhere to a No Adverse Impact approach in decision-making and activities that affect the floodplains will decrease the potential for successful liability suits from a broad range of activities such as road and bridge building, installation of stormwater management facilities, construction of flood control works, grading, construction of public buildings, approving subdivisions and accepting dedications of public works, and issuing permits.

Courts will uphold community floodplain regulations which contain a No Adverse Impact standard against “takings” and other Constitutional challenges to regulations. From a Constitutional law perspective, courts are very likely to uphold community regulations which adopt a No Adverse Impact performance standard against claims of unreasonableness or “taking” of private property without payment of just compensation. This is particularly true if there is some flexibility in the regulation of development. Courts have broadly and consistently upheld state and local performance-oriented floodplain regulations including many which exceed minimum Federal Emergency Management Agency (FEMA) standards against taking challenges. Recent U.S. Supreme Court and State Court decisions have further emphasized this trend.

Courts are likely to uphold a No Adverse Impact standard not only because of this general support, but because such a standard is consistent with, overall, common law rights and duties. Courts have reasoned that regulations take nothing from landowners when they enforce common law rights and duties. Courts have broadly upheld regulations designed to prevent landowners from creating nuisances or undertaking activities which violate other common law private property concepts as not a “taking,” in part, because no landowner has a “right” to cause a nuisance or violate the private property rights of others, even where this may significantly impact the landowner.



Courts are likely to not only uphold a broad No Adverse Impact performance goal or standard, but more specific implementing regulations which tightly control development in floodways, coastal high hazard areas, and other high risk zones to implement such a standard. They are also likely to uphold very stringent regulations for small strips of land (e.g., setbacks) and open space zoning for floodplains where there are economically viable uses such as transferable development rights, forestry, or agriculture. Communities are likely to encounter significant “taking” problems only where floodplain regulations permanently deny all or nearly all economic use of entire floodplain properties.



NAI provides the framework for sound and sustainable policy, not as a prescribed set of standards, but as an overall principle to guide all community activities. Communities can incorporate NAI approaches into all phases of hazard identification & mitigation, development planning & regulation, public education & involvement, emergency management & services, capital improvements & public works, and the myriad other local functions and activities that present opportunities prevent harm. As local governments implement a consistent and complementary NAI approach, leaders can be confident that their efforts to reduce the misery, expense, and disruption of flooding will be effective, as well as legally sound.

In summary, NAI is a PRINCIPLE that leads to a PROCESS which is legally acceptable, non-adversarial (neither pro- nor anti-development), understandable, and palatable to the community as a whole. The process clearly establishes that the “victim” in a land use development is not the developer, but rather the other members of the community who would be adversely affected by a proposed development. The developer is liberated to understand what the communities concerns are so they can plan and engineer their way to a successful, beneficial development.

PART 1: INTRODUCTION

Part 1 of the following paper briefly discusses the No Adverse Impact goal. Part 2 discusses community liability for increasing flood and erosion damages on private lands under common law theories and how a No Adverse Impact goal may help reduce such liability. In Part 3, the paper considers the constitutionality of community regulations (zoning, building codes, subdivision controls) incorporating a No Adverse Impact standard against “takings” challenges and various types of implementing regulations. Finally, in Part 4, the paper provides recommendations to help communities avoid common law liability and constitutional problems with No Adverse Impact regulations.

The paper is based upon a general examination of state and federal case law pertaining to flooding and floodplain regulations. For more precise conclusions for a particular jurisdiction, the reader is advised to consult a lawyer or examine the case law from that jurisdiction.

THE NO ADVERSE IMPACT GOAL

In 2000, the Association of State Floodplain Managers (ASFPM) recommended in a white paper a “No Adverse Impact” goal or approach for local government, state, and federal floodplain management. ASFPM recommended that communities adopt this goal to help control the spiral of flood and erosion losses, new development which increases flood risks, and then additional flood losses. The paper stated: **“No Adverse Impact floodplain management is an approach which ensures that the action of one property owner does not adversely impact the properties and rights of other property owners, as measured by increased flood peaks, flood stage, flood velocity, and erosion and sedimentation.”** The following explanation of “No Adverse Impact” is taken from this paper. The entire paper can be found on the ASFPM web site www.floods.org.

According to ASFPM, the “No Adverse Impact” goal is not intended as a rigid rule of conduct for all properties. Rather it has been suggested as a general guide for landowner and community actions (construction of public works, use of public lands, planning, regulations) in the watersheds and the floodplains which may adversely impact flooding and erosion on other properties or communities. A No Adverse Impact goal could also potentially be applied to environmental and other impacts, if a community chooses to do so.

Fundamentally, a No Adverse Impact Approach is a Property Rights Protection Approach which ensures that the Property Rights of **all** persons in a community are protected.

ASFPM notes in the paper that flood damages in the United States continue to escalate. From the early 1900s to the year 2000, flood damages in the United States have increased fourfold, approaching \$6 billion annually. Damages in 2004 and 2005 have been wildly above this already high level. This occurred despite, and apparently, in some cases, because of, billions of dollars spent for structural flood control, and other structural and non-structural measures. Nationally, development within floodplains continues to intensify. Development is occurring in a manner whereby flood prone or marginally protected homes and businesses are suddenly prone to damages because of the actions of others in the floodplain. These actions raise flood heights and velocities and erosion potential. Such increases in flood heights and velocities also have the potential to significantly increase the likelihood that levees will be overtopped, thus dramatically increasing the potential for serious, even life-threatening harm to areas,

throughout this Nation, protected by such structures.

The 2005 hurricane season and ongoing misery caused by Hurricanes Katrina, Rita and Wilma serve as harsh reminders of the urgent need for all communities to adopt development (much of damage avoidance comes through subdivision, planning guidance, not just regulations and codes) standards beyond federal minimums. Current FEMA National Flood Insurance Program (NFIP) floodplain management standards do not prohibit diverting floodwaters onto other properties, reduction in channel and overbank conveyance areas; filling of essential valley storage; and changing flood velocities with little regard as to how these changes impact others in the floodplain and watershed. There is no question that the damage potential in the nation's floodplains is intensifying. This current course is one that is not equitable to those whose properties are impacted.

ASFPM recommends that, for local governments, No Adverse Impact floodplain management represents a way to prevent ever worsening flooding and flood damages and potentially increased legal liability. Most local governments have simply assumed that the federal floodplain management approaches embody a satisfactory standard of care, perhaps not realizing that existing approaches will not prevent increased flood damages and may induce additional flooding and damage.

According to ASFPM, No Adverse Impact floodplain management offers communities an opportunity to promote responsible and equitable, as well as legally sound, floodplain development through community-based decision-making. Communities with such an approach will be able to better use federal and state programs to enhance their proactive initiatives and utilize those programs to their advantage as communities. A community with a No Adverse Impact floodplain management initiative empowers all the community, including property owners, developers, and citizens to actively participate as stakeholders at the local level. No Adverse Impact floodplain management can be a step towards individual as well as community accountability by not increasing flood damages on other properties and in other communities. A No Adverse Impact floodplain management goal requires communities to be proactive in understanding potential flood development impacts and implementing programs of loss mitigation before impacts occur.



Image credit: Texas Colorado River Floodplain Coalition.

ASFPM recommends that No Adverse Impact floodplain management be the default management standard for community regulations. It can also serve as an overall goal for a community that wishes to develop a comprehensive watershed and floodplain management plan which identifies acceptable levels of impact, specifies appropriate measures to mitigate those adverse impacts, and sets forth a plan of actions for implementation. No Adverse Impact can be extended to entire watersheds to promote the use of retention and detention technologies to mitigate increased runoff from urban areas. The Minimum Standards of the National Flood Insurance Program require that communities “review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.” See 44 C.F.R. 60.3(a)(1). In addition, the regulations on the flood program specifically state that “(a) any community (under the NFIP states are also considered as communities) may exceed the minimum criteria (in the regulations) by adopting more comprehensive flood plain management regulations... Therefore, any flood plain management regulations adopted by a State or community which are more restrictive (than the Flood Program Minimum Standards) are encouraged and shall take precedence.”

LEGAL ISSUES

The No Adverse Impact goal raises two major sets of legal issues which are examined in this paper:

-  Is the no impact goal consistent with the flood-related common law rights and duties of public and private landowners pertaining to flooding? Will adherence to this approach reduce suits against governments for flood losses (e.g., where new community roads, bridges, storm sewers will result in increased flood damage to private lands)?
-  Is community adoption of a No Adverse Impact regulatory standard consistent with the constitutional prohibitions against taking private property without payment of just compensation? May specific implementing standards include attachment of conditions to permits, tight regulation of high-risk areas, tight regulation of narrow strips of land (buffers), open space zoning, and other implementing regulations?



We will examine the two questions in sequence.

PART 2: NO ADVERSE IMPACT AND THE COMMON LAW

Is the no impact goal consistent with the flood-related common law rights and duties of public and private landowners pertaining to flooding? Will adherence to the No Adverse Impact approach reduce successful suits against governments for increasing flood and erosion losses on private property?

SUCCESSFUL COMMON LAW SUITS AGAINST GOVERNMENTAL UNITS

Despite government efforts to protect lives and reduce property losses, natural hazards continue to take a heavy toll in the U.S. and abroad. Damages, including loss of life, due to Hurricanes Katrina, Rita, and Wilma are estimated at \$150 billion in costs and over 1300 deaths. Estimates indicate that Katrina will be the costliest disaster in U.S. history. The “Great Midwest Flood” along the Mississippi and Missouri Rivers in 1993 caused damages in excess of \$12.5 billion and nearly 50 deaths. Loss of life in the U.S. from hurricanes and flooding, as well as property losses, continue to mount as private and public development occurs in hazardous locations. Development in the watershed which increases flood and erosion on other properties further exacerbates the problem.



Landsat inundation imagery, New Orleans, Louisiana, August 31, 2005. Image credit: NOAA Coastal Services Center.

When individuals are damaged by flooding or erosion, they often file lawsuits against governments or other individuals, claiming that the governments have caused the damages, contributed to the damages, or failed to prevent or provide adequate warnings of natural hazards.

Box 1 outlines principal legal theories for such suits including “nuisance”, “trespass”, “violation of riparian rights”, violation of the “law of surface water”, “strict liability”, “negligence”, “denial of support”, “statutory liability” and constitutional liability for “uncompensated takings”. All but “statutory” grounds and “uncompensated takings” are “common law” grounds for suits. The common law is judge-made law dating back more than one thousand years. This judge-made law is primarily concerned with resolving disputes between individuals in a fair and equitable manner.

In a typical common law flood suit, a private landowner damaged by flood waters sues a community, alleging that the community actions increased flood or erosion damages on his or her property. The landowner’s lawyer will argue liability based on one or several legal theories or grounds of the sort outlined in Box 1. To win in court, the landowner must prove the amount of flood damage, that the flooding or erosion was more severe than would have naturally occurred, and that the community’s actions were the cause of the damage.

LEGAL THEORIES OR GROUNDS FOR LIABILITY

Nuisance

At common law, no landowner (public or private) has a right to use his or her land in a manner that substantially interferes, in a physical sense, with the use of adjacent lands. See, e.g., *Sandifer Motor, Inc. v. City of Rodland Park*, 6 Kan. App. 2d 308 (Kan., 1981) (Flooding due to city dumping debris into ravine which blocked sewer system was a nuisance.) “Reasonable” conduct is usually no defense against a nuisance suit, although reasonableness is relevant to a determination of nuisance in some contexts and the type of relief available.

Principal activities which increase natural hazard losses on adjacent lands and may be subject to nuisance suits include: dikes, dams, levees, grading, construction of roads and other land alterations which increase flood heights and velocities on other lands; erosion control structures such as groins and seawalls which increase erosion and/or flooding on other lands; and mud slide, landslide, and other ground failure structures that increase rather than decrease damages on adjacent lands.

Trespass

At common law, landowners can also bring trespass actions for certain types of public and private actions which result in physical invasion of private property such as flooding or drainage. See *Modern, Inc. v. State*, 444 F. Supp. 2d 1234 (M.D. Fla. 2006). There are several different types of “trespass” (trespass and “trespass on the case”). An extensive discussion of the law of trespass with all of its nuances is beyond the scope of this paper.

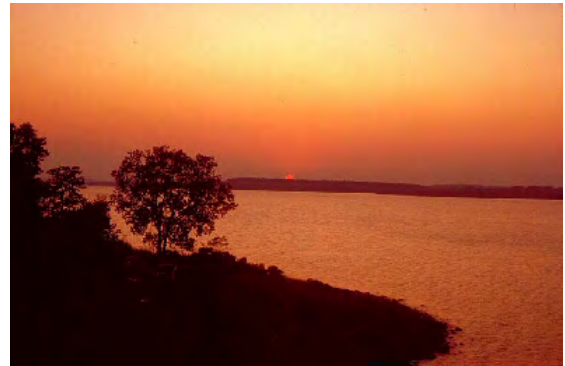


Image credit: US Army Corps of Engineers.

Violation of Riparian Rights

At common law, riparian landowners enjoy a variety of special rights incidental to the ownership of riparian lands. These rights or “privileges” include fishing, swimming, and construction of piers. Riparian rights must be exercised “reasonably” in relationship to the reciprocal riparian rights or other riparians. Courts in some instances have held that construction of levees, dams, etc. by one riparian which increase flood damages on other lands are a violation of the riparian rights of other riparians. See *Lawden v. Bosler*, 163 P.2d 957 (Okla., 1945).

Violation of the Law of Surface Water

Under the rule of “reasonable use” (or some variation of it), in most states landowners cannot, at common law, substantially damage other landowners by blocking the flow of diffused surface waters, increasing that flow, or channeling that flow to a point other than the point of natural discharge. Courts have applied these rules to governmental units as well as private landowners and have, in some instances, applied even more stringent standards to governmental units. See, for example, *Wilson v. Ramacher*, 352 N.W.2d 389 (Minn., 1984).

Strict Liability

Courts, in a fair number of states, have held that landowners and governments are “strictly liable” for the collapse of dams and other water control structures such as levees because impoundment of water, following an early English ruling, has often been held an “ultrahazardous” activity. Private and public landowners are liable for damages from ultrahazardous activities even when no negligence is involved. This topic is the subject of a related paper by attorney Edward A. Thomas, *Liability for Water Control Structure Failure Due to Flooding*, Association of State Floodplain Managers, 2006, available at <http://www.floods.org>.

Negligence

At common law, all individuals (including public employees) have a duty to other members of society to act “reasonably” in a manner so as not to cause damage to other members of society. “Actionable negligence results from the creation of an unreasonable risk of injury to others. In determining whether a risk is unreasonable, not only the seriousness of the harm that may be caused is relevant, but also the likelihood that harm may be caused.” The standard of conduct is that of a “reasonable person” in the circumstances. Negligence is the primary legal basis for public liability for improper design of hazard reduction measures such as flood control structures, improperly prepared and issued warnings, inadequate processing of permits, inadequate inspections, etc. See discussion below; *Kunz v. Utah Power & Light Co.*, 526 F.2d 500 (9th Cir., 1975).

Denial of Lateral Support

At common law, the owner of land has a duty to provide “lateral support” to adjacent lands, and any digging, trenching, grading, or other activity that removes naturally occurring lateral support is done so at one’s peril. Government construction of roads, bridges, buildings, and other public works may deny lateral support to adjacent lands causing land failures (landslides, mudslides, erosion, building collapse). See discussion below; *Blake Constr. Co. v. United States*, 585 F.2d 998 (Ct. Cl., 1978) (U.S. government liable for subsidence due to excavation next to existing buildings.)



Image credit: US Army Corps of Engineers.

Statutory Liability

Some states have adopted statutes which create separate statutory grounds for legal action. For example, the Texas Water Code, section 11.086, makes it unlawful for any person to divert the natural flow of waters or to impound surface waters in a manner that damages the property of others. See *Miller v. Letzerich*, 49 S.W.2d 404 (Tex., 1932).

Inverse Condemnation or “Taking” Without Payment of Just Compensation

Courts have quite often held governments liable for direct physical interference with adjacent lands due to flooding, mudflows, landslides, or other physical interferences based upon a theory of “taking” of property without payment of just compensation. Government landowners but not private landowners may be liable for such a taking. Successful inverse condemnation suits have been particularly common in California. For example, see *Ingram v. City of Redondo Beach*, 119 Cal. Rptr. 688 (Cal., 1975) in which the court held that collapse of an earthen retaining wall maintained by the city was basis for an inverse condemnation suit. But, inverse condemnation actions have been recognized in many other states as well. See, e.g., *Wilson v. Ramacher*, 352 N.W.2d 389 (Minn., 1984) (flooding); *McClure v. Town of Mesilla*, 601 P.2d 80 (N.M., 1979) (operation of drainpipe).

Successful liability suits based upon natural hazards have become increasingly expensive to governments, not only because of the increasing awards for flood and erosion damages but because of increasing attorney and expert witness fees and court costs which may exceed the damage award. See, for example, *City of Watauga v. Tayton*, 752 S.W.2d 199 (Tex., 1988). In this case, the trial court awarded only \$3,000 for damages to a home flooded by city actions and \$6,800 for destruction of personal property and fixtures. But it awarded \$19,500 for mental anguish and \$15,000 for attorney’s fees, more than three and one half times the amount of the physical damages. The appellate court

overturned the award for attorney's fees but upheld the award for mental anguish. For a much larger award of damages and hefty attorney's fees, see *West Century 102 Ltd. v. City of Inglewood*, 2002 Cal. App. Unpub. LEXIS 1599 (Calif. App., 2002), in which the court awarded a judgment of \$2,448,120 against the city for water damage, including \$493,491 in attorney's fees.

Successful liability suits of all types have increased in the last two decades for several reasons:

-  **A growing propensity to sue.** Historically, members of society were more willing to accept losses from a broad range of natural hazard causes. Now, individuals suffering losses look for fault and monetary compensation from other individuals (public or private) who may have played even a limited role in causing or failing to prevent the losses.
-  **Large damage awards and the willingness of lawyers to initiate suits.** Dramatic increases in damage awards, combined with expanded concepts of liability and lessened defenses, have encouraged lawyers to take liability cases on a contingent fee (20-60% or more) basis. This means that landowners and other claimants do not need large sums of money to initiate or pursue suits. Nor, will they be responsible for attorney's fees and court costs if they lose.
-  **Governments are viewed as having "deep pockets".** Governments are often considered as being "able to pay." In some jurisdictions, governments may be held liable for the full amount of damages even where government actions were only a small contributor to such damages. Such joint and several liability has often been criticized and either judicially or legislatively changed in many states. But, even without joint and several liability, governments remain a good candidate for suit because juries often view them unsympathetically.
-  **Expanded concepts of liability.** Courts and legislative bodies have expanded the basic rules of liability to make landowners and governmental units responsible for actions which result in or increase damages to others. For example, the traditional "common enemy" doctrine with regard to diffused surface waters (and other flood waters in some states), whereby a landowner could grade, dike, levee, or otherwise protect himself or herself against surface water without liability to other landowners or individuals who might be damaged by increased flows, has been replaced judicially or legislatively in most jurisdictions by a rule of "reasonable use". Pursuant to this rule, landowners must act "reasonably" with respect to other landowners. See, e.g., *County of Clark v. Powers*, 611 P.2d 1072 (Nev., 1980). In general, any activity which substantially increases the amount, velocity, or depth of surface waters on other lands has been held by courts to be unreasonable and potentially subject to liability. See, e.g., *Lombard Acceptance Corp. v. Town of San Anselmo*, 114 Cal. Rptr. 2d 699 (Cal. App., 2002), in which the court issued an injunction against a town for unreasonable increases in surface water which caused a landslide.

Similarly, the doctrine of *caveat emptor* (let the buyer beware) with regard to the sale of improved or unimproved property has been partially replaced by one of "implied warranty of suitability." Pursuant to this doctrine, a developer of new homes is now legally liable if the homes are not suitable for their intended uses due to flooding, erosion, subsidence, or other natural hazards.

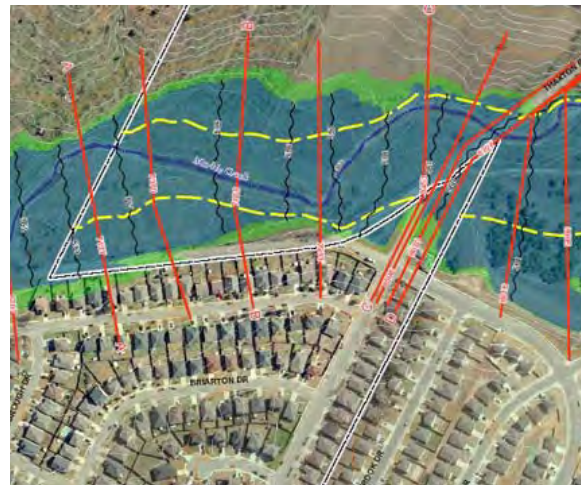
-  **Uncertainties with regard to the legal rules of liability and defenses (e.g., "act of God")**

due to the evolving nature of the body of law and the site-specific nature of many tort actions. The evolving and expanding nature of liability law, combined with the potential for large judgments, has encouraged landowners and their lawyers to initiate suits even in situations where no plaintiff has won before. With the potential for a several million-dollar judgment in a single suit, lawyers can take chances on untested legal theories and factual situations with only a limited chance of success.

Even without expansion in basic rules of liability, the site-specific nature of negligence actions encourages a large number of suits due to the lack of hard and fast rules for negligent or non-negligent conduct. Negligence depends upon the circumstances. “Negligence” is, to a considerable extent, what a judge or jury says is reasonable or unreasonable in a specific circumstance.

 **Abrogation or substantial modification of sovereign immunity in most jurisdictions.** Traditionally governments could not be sued for negligence due to “sovereign immunity” although they were, in general, able to be sued at common law for nuisances and taking of property without payment of just compensation. In the last three decades, the defense of sovereign immunity has been substantially reduced or abrogated altogether by court action or, more commonly, by Congressional or legislative acts. As a result, governmental units at all levels of government can be sued for negligence under certain circumstances, although there are exceptions. Most governments now carry liability insurance.

 **Hazards have become more “foreseeable” and predictable.** The potential for private and government liability has increased as the techniques and capabilities for defining hazard areas and predicting individual hazard events have improved and actual mapping of hazard areas has taken place. With improved predictive capability and the actual mapping of areas, hazard events are now (to a greater or lesser extent) “foreseeable” and failing to take such hazards into account may constitute negligence. See, e.g., *Barr v. Game, Fish, and Parks Comm’n*, 497 P.2d 340 (Col., 1972.)



The increased availability and accuracy of digital hazard maps help communities anticipate and prepare for disasters. Image credit: City of Austin, Texas.

 **Limitations on the “Act of God” defense.** “Act of God” was, at one time, a common, successful defense to losses from flooding and erosion. But, at common law, “acts of God” must not only be very large hazard events but must also be “unforeseeable.” See, e.g., *Barr v. Game, Fish, and Parks Comm’n*, 497 P.2d 340 (Col., 1972.) See also, *Lang et al. v. Wonneberg et al.*, 455 N.W.2d 832 (N.D., 1990); *Keystone Elec. Mfg. Co., City of Des Moines*, 586 N.W.2d 340 (Ia., 1998). Improved predictive capability and the development of hazard maps for many areas have limited the use of this defense.



Image credit: Federal Emergency Management Agency.

📌 **Advances in the techniques for reducing hazard losses.** Advances in hazard loss reduction measures (e.g., warning systems or elevating structures) create an increasingly high standard of care for reasonable conduct. As technology advances, the techniques and approaches which must be applied by engineers and others for “reasonable conduct” judged by practices applied in the profession also advance.

Private landowners and governments are negligent if they fail to exercise “reasonable care” in the circumstances. Architects and engineers must exercise “reasonable care” and demonstrate a level of knowledge and expertise equal to that of architects and engineers in their region. See Donald M. Zupanec, Annotation, *Architect’s Liability for Personal Injury or Death Allegedly Caused by Improper or Defective Plans or Designs*, 97 A.L.R.3d 455 (2004). Widespread dissemination of information concerning techniques for reducing flood and erosion losses through magazines, technical journals, and reports, has also broadened the concept of “region” so that a broad if not national standard of reasonableness may now exist. See, e.g., Jon Kusler, *Professional Liability for Construction in Flood Hazard Areas* (May 14, 2007)(unpublished paper on file with the Association of State Floodplain Managers).

📌 **Advances in natural hazard computer modeling techniques, which can be used to prove causation.** Fifty years ago, it was very difficult for a landowner to prove that a particular activity on an adjacent land substantially increased flooding, subsidence, erosion, or other hazards on his or her land. This was particularly true when the increase was due to multiple activities on many lands, such as increased flooding due to development throughout a watershed. Today, sophisticated computer modeling techniques facilitate proof of causation and allocation of fault, although proof may still be difficult. See, e.g., *Souza v. Silver Dev. Co.*, 164 Cal App. 3d 165 (Cal., 1985); See, e.g., *Lea Co. v. North Carolina Board of Transp.*, 374 S.E.2d 866 (N.C., 1989).

📌 **Limitations upon the defenses of contributory negligence and assumption of risk.** Traditionally, contributory negligence (i.e., actions which contribute to the injury or loss) and assumption of risk were often partial or total defenses to negligence. Today most states have adopted comparative negligence statutes which permit recovery (based upon percentage of fault), even where the claimant has been partially negligent. In a somewhat similar vein, courts have curtailed the “assumption of risk” doctrine and have, in some cases, held that even relatively explicit assumption of risk is no defense against negligent actions.

Summary

All levels of government -- the federal government, states and local governments -- may now be sued for negligence, nuisance, breach of contract, or the “taking” of private property without payment of just compensation under certain circumstances when they increase flood or erosion hazards, although vulnerability to suit varies. As a practical matter, local governments are most vulnerable to

liability suits based upon natural hazards because they are, in many contexts, the units of government undertaking most of the activities which may result in increased natural hazards or “takings of private property”; they are also the least protected by defenses such as sovereign immunity and statutory exemptions from tort actions. It is at the local level that most of the active management of hazardous lands occurs (road building and maintenance; operation of public buildings such as schools, libraries, town halls, sewer and water plants; parks). It is also at the local level where most public services with potential for creating liability, such as flood fighting, police, ice removal, emergency evacuation, and ambulance services, are provided.

EXAMPLES OF FLOODING, DRAINAGE, AND EROSION CASES

Units of government have been successfully sued for flooding, drainage, and erosion damages in a broad range of contexts which are illustrated below. Flooding affects, to a greater or lesser extent, much of the land in the U.S. Approximately 7% of the land and 8.5 to 11 million structures in the U.S. are within the 100-year floodplain. Flooding is due to tides, storm surges, pressure differentials (seiches), long-term fluctuations in precipitation leading to high groundwater levels or high lake levels, riverine flooding, flash flooding, storm surge (hurricanes), and stormwater flooding. High water levels and high velocities may kill people, livestock, and wildlife and destroy or damage structures, crops, roads, and other infrastructure.

Floods are, to a lesser or greater extent, foreseeable and predictable. As a result of the broad scale incidence of flood and drainage problems and the foreseeability of flooding, most (perhaps 85%) of natural hazard related liability suits against governments have been the result of flood or drainage damages. Many examples of successful cases are provided below and in other publications. See, for example, Binder, D.B., *Legal Liability for Dam Failures*, Association of State Dam Safety Officials, Lexington, Kentucky (1989); Annotation, *Liability of Municipality or Other Governmental Subdivision in Connection with Flood Protection Measures*, 5 A.L.R.2d 57 (2003). Cases illustrating various types of situations in which courts have held that governments may be sued for flooding, drainage, or erosion damages include the following. They have commonly been brought based on one or more of the legal theories identified in Box 1. At one time, nuisance and trespass were the most common grounds for successful suits. More recently, negligence and unconstitutional takings have become more common. Examples include the following:

-  *Avery v. Geneva County*, 567 So.2d 282 (Ala., 1990) (County may be liable for breaking a beaver dam which resulted in a flood and drowning.)
-  *United States v. Kansas City Life Ins. Co.*, 339 U.S. 799 (1950) (Federal government is liable for artificially maintaining the Mississippi River at an artificially high level which raised the water table, blocked drainage of properties and caused destruction of the agricultural value of lands.)

- ☑ *Coates v. United States*, 612 F. Supp. 592 (D.C. Ill., 1985) (Federal government is liable for failure to give adequate flash flood warning to campers in Rocky Mountain National Park and to develop adequate emergency management plan.)



Campground lodge buildings following failure of the Lawn Lake Dam, Rocky Mtn. Nat'l. Park. Image credit: Estes Park, Colorado.

- ☑ *Ducey v. United States*, 830 F.2d 1071 (9th Cir., 1983) (Federal government is potentially liable for failure to provide warnings for flash flood areas for an area subject to severe flooding in Lake Mead National Recreation Area.)

- ☑ *County of Clark v. Powers*, 611 P.2d 1072 (Nev., 1980) (County is liable for flood damage caused by county-approved subdivision.)
- ☑ *Myotte v. Village of Mayfield*, 375 N.E.2d 816 (Oh., 1977) (Village is liable for flood damage caused by issuance of a building permit for industrial park.)
- ☑ *Masley v. City of Lorain*, 358 N.E.2d 596 (Oh., 1976) (City is not liable under theory of trespass for increased flooding due to urbanization including lots and streets, but may be liable for inverse condemnation for damages due to storm sewer system.)
- ☑ *Barr v. Game, Fish & Parks Comm'n*, 497 P.2d 340 (Col., 1972) (State agency is liable for negligent design of dam and spillway inadequate to convey maximum probable flood; “act of God” defense inapplicable because of the foreseeability of the hazard event.)
- ☑ *Rodrigues v. State*, 472 P.2d 509 (Haw., 1970) (State is liable for damages due to inadequate maintenance of drainage culverts which were blocked by sand bars and tidal action.)

Cases are not confined to flooding and erosion but also include water-related landslides and earth movements. See, for example:

- ☑ *ABC Builders, Inc. v. Phillips*, 632 P.2d 925 (Wyo., 1981) (Evidence of city’s failure to maintain a drainage ditch was sufficient to establish city’s liability for resulting landslide.)
- ☑ *Blau v. City of Los Angeles*, 107 Cal. Rptr. 727 (Cal., 1973) (City potentially liable under a theory of inverse condemnation for approving and accepting dedication of subdivision improvements that resulted in landslide.)
- ☑ *Albers v. County of Los Angeles*, 398 P.2d 129 (Cal., 1965) (County liable for inverse condemnation for landslide damage caused by public placement of fill; landowner could recover not only difference in fair market value before and after slide, but cost of stopping slide.)

LIABILITY FOR ENTIRELY “NATURAL” FLOOD AND EROSION DAMAGES

May a local government be held responsible for **all** flood or erosion damages occurring in a community? For, example, is it responsible for damages caused by overflow waters from a creek which has not been channelized or otherwise altered by the community?

Courts have generally held that landowners and governments have no affirmative duty to remedy **naturally occurring** hazards except in some special situations. See, e.g., *Souza v. Silver Dev. Co.*, 164 Cal App. 3d 165 (Cal., 1985). For example, a Georgia court held that one landowner with a beaver dam on his property was not responsible for removing this dam when it flooded adjacent property. See *Bracey v. King*, 406 S.E.2d 265 (Ga., 1991). The court in this case demonstrated humor which is uncommon in court decisions when it observed that “There is no suggestion in this case that the appellee (landowner) and/or his brother imported the offending beavers onto their property, trained them to build the dams, or in any way assisted or encouraged them in this activity.”

Courts have also held in most contexts that landowners and governments ordinarily have no duty to warn visitors, invitees, trespassers, or members of the general public for **naturally occurring** hazards (not exacerbated or created by governments) nor do they have a duty to correct or ameliorate these hazards or reduce hazard losses including the adoption of regulations or hazard reduction structures (e.g., dams, disaster assistance, public insurance, etc.). However, there are exceptions to this general rule of no affirmative duty and there is a gradual trend in the courts to broaden these exceptions whenever governments take any action which directly or indirectly contributes to the flood or erosion damage. In addition, if governments do warn, correct or ameliorate hazards, or take other affirmative measures, they must do so with reasonable care.

Courts have repeatedly held that once a governmental unit elects to undertake government activities, even where no affirmative duty exists for such action, it must exercise reasonable care. See e.g., *Indian Towing v. United States*, 350 U.S. 61 (1955). In the context of emergency services, this is often referred to as the “Good Samaritan” rule. Although a public entity or private individual ordinarily has no duty to provide aid to an individual in distress not caused by the public entity or private individual, once a governmental unit (or a private individual) has decided to provide aid, it must do so with ordinary care. As will be discussed in greater depth below, the doctrine applies in a broad range of contexts.

Some governments believe they may avoid **all** liability for hazard losses by avoiding various **future** affirmative actions that increase flood hazards by filling, grading, construction of bridges, flood control works, etc. This may well reduce future liability. However, many public works projects already undertaken have increased flooding, drainage, erosion, or land failure hazards on other lands. Any construction of a public building and invitation to the public to use public land can create the potential for “premises” liability. Many of the land alteration activities which governments have been undertaking over the last three hundred years in the U.S., and are continuing

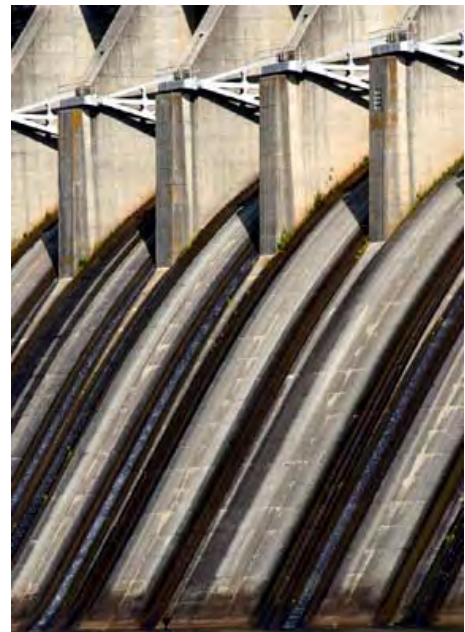


Image credit: US Army Corps of Engineers.

to undertake, are “affirmative” acts which increase natural hazards -- with liability implications. In such situations, governments need to not only avoid actions which will increase future flood heights and velocities but undertake flood loss mitigation measures such as flood warning systems to reduce potential liability.

Consider the typical municipality where many major land and water alterations have been carried out by the government or approved by government. These include public roads, sewers, water supply systems, stormwater systems, dikes, ditches, levees, general grading, and park development. Most private subdivisions have also been approved by governments under subdivision control laws; private buildings have been approved through building permits. These land alterations and permitted activities have modified runoff, drainage, stream and river channel flood characteristics, erosion potential, and landslide and mud slide potential throughout the community. The potential for damage from other hazards such as earthquakes (bursting pipelines), avalanches, and snow may also have been increased. Because government has modified the natural landscape, the argument of “doing nothing” to avoid liability has limited application. To reduce potential liability, governments need to avoid future increases in flood heights and simultaneously address pre-existing increases through flood hazard planning and development plan implementation with a No Adverse Impact standard.

LIABILITY FOR AFFIRMATIVE ACTS THAT INCREASE FLOOD AND EROSION DAMAGE

In what contexts may a community be held liable for increases in the amount and change the location of discharge of “surface” waters? What about waters in rivers, streams, and other channels? And, what about coastal features, such as shore protection or groins, which may result in erosion or loss of beach by interrupting littoral drift on adjacent properties?

Communities, like other landowners, may be held liable in almost all contexts for substantially increasing the amount of discharge or location of discharge of water with resulting damage to private property owners. They may be held liable under one or more of theories described above for both increasing flood and erosion damage from surface waters and waters in rivers, streams, shorelines or other channels.

Under English common law, and the law of some states, private and public landowners could block or dispose of “diffused surface water” (i.e., surface water not confined to a defined watercourse, lake, or the ocean) pretty much as they wished under the “common-enemy doctrine”. The common enemy doctrine was so named because “at one time surface water was regarded as a common enemy with which each landowner had an unlimited legal privilege to deal as he/she pleased without regard to the consequences that might be suffered by his/her neighbor.” *Butler v. Bruno*, 341 A.2d 735 (R.I., 1975). However the common enemy doctrine has been judicially or legislatively modified in all but a few states so that anyone (public or private) increasing natural drainage flows or the point of discharge does so at his or her peril. See generally, Annot., *Modern Status of Rules Governing Interference with Drainage of*



Surface Waters, 93 A.L.R.3d 1193 (2003); R. Berk, *The Law of Drainage*, 5 Waters and Water Rights, #450 et seq. (R. Clark Ed., 1972); Kenworthy, *Urban Drainage--Aspects of Public and Private Liability*, 39 Den. U.L. Rev. 197 (1962).

As recently as 1993 the State of Missouri abrogated the “common enemy doctrine” in no uncertain terms in *Heins Implement v. Hwy. & Transp. Comm’n*, 859 S.W.2d 681, 683 (1993):

The principal issue raised by this appeal is whether the modified common enemy doctrine should be applied to bar recovery by landowners and tenants whose property was flooded because a culvert under a highway bypass was not designed to handle the normal overflows from a nearby creek. We conclude that the common enemy doctrine no longer reflects the appropriate rule in situations involving surface water runoff and adopt a doctrine of reasonable use in its stead.

On the other hand, Arizona reaffirmed that “the common enemy doctrine” was still in effect as recently as 1989 in *White v. Pima County*, 161 Ariz. 90, 96 (App. 1989):

Arizona follows the common enemy doctrine as it applies to floodwaters. Under this doctrine a riparian owner may dike against and prevent the invasion of his premises by floodwaters. If thereby the waters which are turned back damage the lands of another, it is a case of *damnum absque injuria*. This common enemy doctrine was not abrogated by the floodplain statutes, is available to those who comply with or are exempt from the floodplain regulations, and is likewise available to a condemning authority when it is protecting its property like any other riparian owner.

Two alternative doctrines to the common enemy doctrine are now applied to surface water in all but a few states. A highly restrictive “civil-law” rule has been adopted in a small number of states. The rule requires that the owner of lower land accept the surface water naturally draining onto his land but the upper owner may do nothing to increase the flow. See, *Butler v. Bruno*, 115 R.I. 264 (R.I., 1975). The rule is that “a person who interferes with the natural flow of surface water so as to cause an invasion of another’s interests in the use and enjoyment of his land is subject to liability to the others.” *Id.* at 737. See also Kinyon & McClure, *Interferences with Surface Waters*, 24 Minn. L. Rev. 891 (1940). This civil-law rule, like the common enemy doctrine, has, however, been somewhat modified in most of the states so that landowners may, to some extent, increase flows so long as they do so in good faith and “non-negligently.”



Image credit: Harvard Graduate School of Design.

A third doctrine -- the rule of “reasonable use” -- has gradually replaced the common enemy and civil rules in most states. Under this rule, the property owner’s liability turns on a determination of the reasonableness of his or her actions. Factors relevant to the determination of reasonableness are similar to those considered in determining riparian rights and negligence (listed below). The issue of reasonableness is a question of fact to be determined in each case upon the consideration of all the relevant circumstances. *Butler v. Bruno*, 341 A.2d 735, 738 (R.I., 1975).

A very similar doctrine of reasonableness has been applied under the law of “riparian rights” which applies to water in watercourses. See generally Annot., *Right of Riparian Owner to Construct Dikes, Embankments, or Other Structures Necessary to Maintain or Restore Bank of Stream or to Prevent Flood*, 23 A.L.R.2d 750 (1952 with 2004 updates). The factors considered in determining “reasonableness” are similar to those used in determining whether a landowner has been “negligent” (see discussion below). Riparian rights have been interpreted, in some cases, to include the right to constructive flood and erosion protection measures so long as they do not damage other riparians. As the court in *Lowden v. Bosler*, 163 P.2d 957 (Okla., 1945) noted in holding a landowner liable for damages caused by a jetty placed in a river (*Id.* at 958):

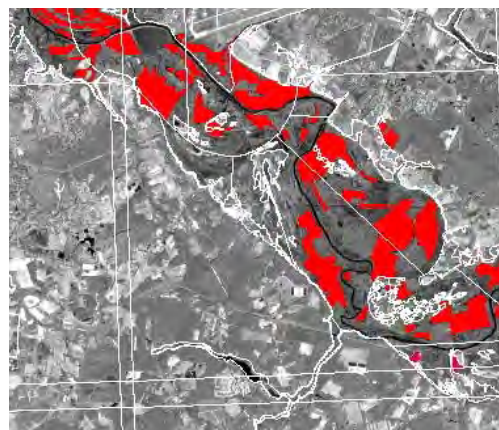
A riparian proprietor may lawfully erect and maintain any work or embankment to protect his land against overflow by any change of the natural state of the river and to prevent the old course of the river from being altered; but such a riparian proprietor, though doing so for his convenience, benefit, and protection, has no right to build anything which in times of flood will throw waters on the lands of another such proprietor so as to overflow and injure him.

FACTORS RELEVANT TO REASONABLENESS

A variety of factors are relevant to the “reasonableness” of conduct in particular circumstances pursuant to a suit based on negligence and, to a lesser extent, other theories incorporating a reasonableness standard such the rules of “reasonable use” pertaining to diffused surface water and the law of riparian rights. Some of these include:

The severity of the potential harm posed by the particular activity. Where severe harm may result from an act or activity, a “reasonable person” must exercise great care. See *Blueflame Gas, Inc. v. Van Hoose*, 679 P.2d 579 (Col., 1984), in which the court held that the greater the risk, the greater the amount of care required to avoid injury. With an ultrahazardous activity, the degree of care required may be so great that it approaches strict liability.

Foreseeability of the harm. A “reasonable person” is only responsible for injuries or damages which are known or could be reasonably foreseen. See *Scully v. Middleton*, 751 S.W.2d 5 (Ark., 1988). To constitute negligence, the act must be one in which a reasonably careful person would foresee such an appreciable risk of harm to others as to cause him not to do the act or to do it in a more careful manner. The test is not whether he or she did in fact foresee the harm, but whether he or she should have foreseen it, given all the circumstances. For example, direct warning of a dangerous condition, such as the report from a user of a public road that a bridge was washed out, provides foreseeability. But so may a flood map or other less direct information.



Flooding associated with Hurricane Floyd, North Carolina. Image credit: Dartmouth Flood Observatory.

Custom. The standard for reasonable conduct in a negligence suit is usually a community standard. Therefore, evidence of the usual and customary conduct of others under the circumstances is relevant and admissible. See *The Law of Torts* 193. However, courts have found an entire industry careless and

custom is not conclusive. See *The T.J. Hooper*, 60 F.2d 737 (2nd Cir., 1932). As noted by the Illinois Supreme Court in *Advincula v. United Blood Serv.*, 678 N.E.2d 1009 (Ill., 1996) “while custom and practice can assist in determining what is proper conduct, they are not conclusive necessarily of it. Such evidence may be overcome by contrary expert testimony (or its equivalence) that the prevailing **professional standard of care** (*emphasis added by the court*), itself, constitutes negligence.”

Emergency. The overall context of acts determines their reasonableness for negligence purposes. For example, acts of a reasonable person in an emergency are subject to a lower standard of care than acts not in an emergency. See, e.g., *Cords v. Anderson*, 259 N.W.2d 672 (Wis., 1977). An emergency is a sudden and unexpected situation which deprives an actor of an opportunity for deliberation. However, courts have found that a ministerial duty on the part of a public official can arise where a known and compelling danger exists. See e.g., *Lodl v. Progressive N. Ins. Co.*, 2002 WI 71 (2002).

The status of the injured party. The duty of care owed by a private or public entity depends, to some extent, upon the status of the injured party and his or her relationship to the entity. Traditionally, at common law, the owner or occupier of land owed different standards of care to various categories of visitors for negligent conditions on the premises. See generally, Annot., *Modern Status of Rules Governing Landowner's Liability Upon Status of Injured Party as Invitee, Licensee, or Trespasser*, 22 A.L.R.4th 296 (1983 with 2003 updates). Some jurisdictions have held that an owner or occupier of land is held to a duty of reasonable care under all circumstances to invitees, licensees, and trespassers alike. Most others have held that the duty of reasonable care extends only to invitees and licensees but that a lesser standard of care exists with regard to trespassers. In general, a landowner is only responsible to a trespasser for “willful and wanton” conduct with the exception of attractive nuisances. See *Adams v. Fred's Dollar Store*, 497 So.2d 1097 (Miss, 1986).

Special relationship. In some instances, a special relationship exists between an injured individual and a governmental unit that creates a special duty of care. For example, in *Kunz v. Utah Power & Light Co.*, 526 F.2d 500 (9th Cir., 1975) a Federal Court of Appeals held that the Utah Power and Light Company which operated a storage facility at a lake had a special relationship with downstream landowners and a duty to provide flood control because they had operated the facility to provide flood control over a period of time and downstream landowners had come to rely upon such operation. Failure to act reasonably in light of this duty was negligence.

Statutes, ordinances, or other regulations applying to the area. Negligence may arise from breach of a common law duty or one imposed by statute or regulation. See *Hundt v. LaCross Grain Co.*, 425 N.E.2d 687 (Ind., 1981) In general, violation of a statute or ordinance creates, at a minimum, a presumption of negligence or evidence of negligence. See, e.g., *Distad v. Cubin*, 633 P.2d 167 (Wyo., 1981). It is also relevant to nuisance and trespass. See, e.g., *Tyler v. Lincoln*, 527 S.E.2d 180 (2000).

GOVERNMENT FAILURE TO ADOPT REGULATIONS

Are governments liable if they choose not to adopt floodplain regulations?

Governmental units generally have no duty to adopt regulations and no liability results from failure to adopt a regulation. In *Hinnigan v. State*, 94 A.D.2d 830 (N.Y., 1983), the New York appellate court held that State of New York was not liable for failing to assure the participation of towns in the National Flood Insurance Program (NFIP) and, similarly, that the town of Jewett was not liable for failing to meet the minimum federal standards of the NFIP thereby making flood insurance available in the town. See

also *Urban v. Vill. of Inverness*, 530 N.E.2d 976 (Ill., 1988) (No affirmative duty by city to prevent flooding due to land alteration through adoption and enforcement of regulations on development.) However, see *Sabina v. Yavapai County Flood Control Dist.*, 993 P.2d 1130 (Ariz., 1999) (Court implied that Flood Control District might be liable for failing to regulate.)

However, legislatures in many states have adopted statutes requiring local governments to adopt floodplain regulations. See, *County of Ramsey v. Stevens*, 283 N.W. 2d 918 (Minn., 1979). These statutes create a duty to adopt regulations and might serve as the basis for suit if regulations were not then adopted. For example, see generally *Natural Res. Def. Council, Inc. v. New York State Dep't of Envtl. Conservation*, 700 F. Supp. 173 (S.D.N.Y., 1987) (State liable for failing to adopt regulations as required.) See also *Roberts v. Secretary, Dep't of Housing & Urban Dev.*, 473 F. Supp. 52 (1979) and *United States v. St. Bernard Parish*, 756 F.2d 1116 (5th Cir., 1985).

To be on the safe side, government units should adopt regulations where statutes require such adoption.

FAILING TO ADEQUATELY CONSIDER FLOODING IN PERMITTING

May governmental units be liable if they fail to consider adequately flooding in issuing regulatory permits with resulting damage to private landowners?

Courts in most jurisdictions have held that governments are immune from liability for issuance or denial of building and other types of permits because issuance is a discretionary function. See *Liability of government entity for issuance of permit for construction which caused accelerated flooding*, 62 A.L.R.3d 514 (2000). See *Wilcox Assoc. v. Fairbanks North Star Borough*, 603 P.2d 903 (Ala. 1979) and cases cited therein. This rule continues to prevail in the majority of the jurisdictions. See for example:

- ☑ *Phillips v. King County, et al.*, 968 P.2d 871 (Wash., 1998) (County not liable for approving a developer's drainage plan which resulted in flooding.)
- ☑ *Johnson v. County of Essex*, 538 A.2d 448 (N.J., 1987) (No township liability for approving plats and building permits which increased flow of water under pipe due to statutory plan and design immunity and discretionary immunity.)
- ☑ *Loveland v. Orem City Corp.*, 746 P.2d 763 (Utah, 1987) (City not liable for approval of subdivision plat without requiring fencing of canal where child subsequently drowned was a discretionary function.)

Although the general rule is still no liability, courts have recognized some in-roads and qualifications on the rule, particularly where issuance of a permit results in damage to other lands. Annot., *Liability of Governmental Entity for Issuance of Permit for Construction Which Caused or Accelerated Flooding*, 62 A.L.R.3d 514 (2000). See for example:

- ☑ *Hutcheson v. City of Keizer*, 8 P.3d 1010 (Ore., 2000) (City liable for approving subdivision plans which led to extensive flooding.)
- ☑ *Columbus v. Smith*, 316 S.E.2d 761 (Ga., 1984) (Government entity which regulated construction along a stream in violation of a floodplain ordinance had a duty to prevent flooding to property along the stream caused by construction.)

- ☑ *Kite v. City of Westworth Village*, 853 S.W.2d 200 (Tex., 1993) (City was liable for approving subdivision plat which diverted water.)
- ☑ *Hurst v. United States*, 739 F.Supp. 1377 (D.S.D, 1990) (U.S. Army Corps of Engineers potentially liable for failing to regulate building obstructions in navigable waters which increased erosion damage.)
- ☑ *Columbus, Georgia v. Smith*, 316 S.E.2d 761 (Ga., 1984) (City may be held liable for approving construction project resulting in flooding.)
- ☑ *Pickle v. Bd. of County Comm.'s of County of Platte*, 764 P.2d 262 (Wyo., 1988) (County had duty of exercising reasonable care in reviewing subdivision plan.)

Courts have also held governments liable to permittees for erroneous issuance of building permits in a number of cases. See cases cited in *Municipal Tort Liability for Erroneous Issuance of Building Permits: A National Survey*, 58 Wash. L. Rev. 537 (1983). See, for example, *Radach v. Gunderson*, 695 P. 2d 128 (Wash., 1985) (City was liable for expense of moving house which did not meet zoning setback requirements constructed pursuant to a permit issued by city.)

Considering that many communities regularly issue variances to their ordinances to allow development, should this be expanded? Once constructed in violation a couple things can happen. First, § 1316 could be invoked indicating the variance was a violation and deny flood insurance; second, subsequent compliance enforcement may require the community to correct past violations of its ordinance, which could require costs to elevate or relocate (e.g., out of floodway)

ACCEPTANCE OF DEDICATED STORM SEWERS, STREET, OTHER FACILITIES

May a governmental unit be held liable for flood damages which result from ditches, channels, stormwater detention facilities, roads, and other infrastructure constructed by developers and dedicated to governmental units?

In an increasing number of cases, courts have held governmental units responsible for approving and accepting storm sewers and other facilities dedicated to governmental units by subdividers or other developers. See for example:

City of Keller v. Wilson, 2007 Tex. App. LEXIS 1459 (Tex., 2007) (Where the city's drainage plan called for construction of an earthen channel through an easement on private lands, failure to construct that channel as the area developed made the city liable for damage caused by diversion of flows associated with permitted development.

- ☑ *Kite v. City of Westworth Vill.*, 853 S.W.2d 200 (Tex., 1993) (City liable for approving subdivision plat and acquiring easement which increased flood damage on other property.)
- ☑ *City of Columbus v. Myszka*, 272 S.E.2d 302 (Ga., 1980) (City liable for continuing nuisance for approving and accepting uphill subdivision which caused flooding.)
- ☑ *Powell v. Village of Mt. Zion*, 410 N.E.2d 525 (Ill., 1980) (Once village approves and adopts sewer system constructed by subdivision developer, village may be held liable for damage caused by

it.)

However, courts have refused to find cities liable in other contexts. See, for example:

- ☑ *M.H. Siegfried Real Estate v. City of Independence*, 649 S.W.2d 893 (Mo., 1983) (City cannot be required to construct culverts to facilitate the flow of surface water when it assumes maintenance of streets possibly built by others.)
- ☑ *Martinovich v. City of Sugar Creek, Missouri*, 617 S.W.2d 515 (Mo., 1981) (City not responsible for sewer and catch basin constructed by private developer and never accepted by the city.)

INADEQUATE INSPECTIONS

May a governmental unit be held liable for failing to carry out adequate building inspections (e.g., failure to determine whether a structure complies with regulatory flood elevations and flood proofing requirements)?



Traditionally, failure of governments to carry out more traditional inspections or lack of care in such inspections was not subject to suit because inspections were considered either “governmental” or “discretionary” in nature. See *Municipal liability for negligent performance of building inspector's duties*, 24 A.L.R.5th 200 (2003). See, for example, *Stemen v. Coffman*, 285 N.W.2d 305 (Mich., 1979) (Failure of city to require owners of multi-dwelling unit to abate alleged nuisance due to inadequate fire protection devices was discretionary and not negligence.); *Stone, F.F. & A. Renker, Jr., Government Liability for Negligent Inspections*, 57 Tul. L. Rev. 328 (1982). In addition, many states such as Kansas, Alaska, California, and Utah have adopted statutes immunizing building inspection activities from suit. See K.S.A. 75-6104(j) (1989). Other examples of cases in which courts have refused to hold units of government responsible for inadequate inspections include:

- ☑ *Stannik v. Bellingham–Whatcom Bd. of Health* 737 P.2d 1054 (Wash., 1987) (Court refused to allow negligence claim against county by homebuyers for failure to inspect and detect sewage disposal system which did not comply with county ordinance due to “public duty” doctrine.)
- ☑ *Siple v. City of Topeka*, 679 P.2d 190 (Kan., 1984) (Court refused to hold city liable for inspection of private tree by city forester which later fell on a car due to statutory immunity for inspections and public duty doctrine.)

But some courts hold governmental units responsible for inadequate inspections. See, for example:

- ☑ *Tuffley v. City of Syracuse*, 82 A.D.2d 110 (N.Y., 1981) (City was held liable based upon a theory of inverse condemnation for acts of a city engineer in failing to adequately inspect building site and determine that culvert running under site was part of a city storm water drainage system. The court held that a “special relationship” existed here.)
- ☑ *Brown v. Syson*, 663 P.2d 251 (Ariz., 1983) (Court held that home purchaser’s action against city for negligent inspection of home for violations of building codes was not barred by doctrine of sovereign immunity and public duty doctrine.)

INADEQUATE ENFORCEMENT OF REGULATIONS

Is a local government liable for failing to enforce floodplain regulations (e.g. illegal construction of a house in a floodway with resulting increased flood damages to adjacent lands)?

Courts have generally considered enforcement of regulations a discretionary function exempt from suit. However, as with negligent inspections, courts have held governmental units liable in a few instances. See, for example, *Radach v. Gunderson*, 695 P.2d 128 (Wash., 1985) (City was liable for expense of moving oceanfront house which did not meet zoning setback which was constructed pursuant to a permit issued by city. City was aware of violation before construction.) Also, see *State v. Outagamie County Bd. of Adjustment*, 191 Wis. 2d 829 (Wisc. App. 1995) (The State of Wisconsin successfully sued a local board of adjustment for exceeding its authority in issuing a variance that allowed construction of a residence in the floodway.)

LEGISLATIVE MODIFICATION OF COMMON LAW RULES

Could state legislatures modify the common law rules and impose a higher standard of care on local governments or private property owners for increasing flood damages on other lands, failure to comply with regulations, inadequate inspections, and similar actions?

It is clear that state legislatures could impose a higher standard of care on private landowners, public officials, and local governments than imposed by common law by adopting remedial statutes. For example, lower courts and the U.S. Supreme Court have upheld state laws changing the “common enemy” doctrine with regard to surface water to a doctrine of reasonable use against claims of taking or violation of due process. See, e.g., *Chicago & Alton R. Co. v. Tranberger*, 238 U.S. 67 (1915); *Peterson v. Northern Pac. Ry. Co.*, 156 N.W. 121 (Minn., 1916); *Tranberger v. Railroad*, 156 S.W. 694 (Miss., 1913).

However, local governments cannot, by ordinance, change the common law in a local unit of government. But, they can adopt ordinances which help establish a higher standard of care in construction design and other activities. In many jurisdictions, violation of an ordinance or other regulation is considered negligence per se if (1) the injury was caused by the ordinance violation, (2) the harm was of the type intended to be prevented by the ordinance, and (3) the injured party was one of the class meant to be protected by the ordinance. See *Boyles v. Oklahoma Natural Gas Co.*, 619 P.2d 613 (Okla., 1980).

Although violation of a statute or ordinance is, at a minimum, evidence of negligence, compliance with an ordinance or statute does not bar a negligence suit. *Corley v. Gene Allen Air Serv., Inc.*, 425 So.2d 781 (La., 1983). In addition, approval of a permit for a project by a state administrative agency does not preclude a private law suit. For example, in *Oak Leaf Country Club, Inc. v. Wilson*, 257 N.W.2d 739 (Ia., 1977), an Iowa court held that approval by a state agency of a stream channelization project did not preclude judicial relief to riparian landowners for damage from the project.

In summary, a No Adverse Impact approach is, overall, consistent with landowner common law rights and duties. Adherence to a No Adverse Impact standard in road building, grading, stormwater management, filling, grading, flood control works, permitting, and other activities will reduce community liability.

PART 3: THE CONSTITUTIONALITY OF A NO ADVERSE IMPACT STANDARD

Would a community which adopted a No Adverse Impact performance standard in floodplain, zoning, subdivision control or other regulations successfully defend those measures against landowner suits for “taking” private property without payment of just compensation? The question is confusing, and may ask from the wrong perspective. Any community is “subject to suit” question is win or lose. Would it successfully defend against those suits if it adopted more specific implementing regulations such as a zero rise floodway restriction, stream setbacks, and freeboard requirements for elevation of structures or open space zoning?

As will be discussed below, courts are likely to uphold a general No Adverse Impact performance standard. They are also likely to uphold more specific implementing regulations as long as the regulations do not deny landowners all permanent, non-nuisance uses of entire properties.

Despite the small number of regulatory cases holding that governments have “taken” private property without payment of just compensation through flood hazard and other hazard regulations, governments are often fearful that the regulations they adopt will be held a “taking.” Based upon the small number of successful cases to date and the overall trends in the courts, “taking” is not a serious challenge to performance-oriented hazard regulations and an overrated economic threat to public coffers. Successful regulatory taking cases for hazard-related regulations are extremely rare and are vastly outnumbered by successful common law cases holding governmental units liable for increasing flood, erosion or other hazard losses on private lands consistent with the legal theories previously described in Box 1 contained in Part I of this paper.

UNCOMPENSATED “TAKINGS”

The 5th Amendment to the U.S. Constitution and similar provisions in state constitutions prohibit governmental units from taking private property without payment of just compensation. Courts have held that unconstitutional “takings” may occur in two principal flood hazard contexts. The first occurs when a governmental unit increases flood or erosion damage on other lands through fills, grading, construction of levees, channelization or other activities as discussed. Governmental units may be found liable for such increases and impacts based upon a broad range of common law theories described in Box 1 located in Part I of this paper.



The second context in which governmental units may be held liable for “taking” private property without payment of just compensation is when they adopt regulations that deprive the suing property owner of all economic value, particularly where the regulation serves no meaningful public purpose. In such situations landowners sometimes claim “inverse condemnation” of their lands. However, very few of these suits have succeeded where communities expressed the public safety benefit of the regulation.

Over a period of years, there have been only a handful of successful challenges to floodplain regulations as a “taking.” Those few cases almost invariably involve almost complete prohibition of building on property having no clearly demonstrated unique or quasi-unique hazard associated with the

site in question. Thus far, there are fewer than a dozen appellate cases finding that a property has been unconstitutionally “taken,” in contrast with hundreds of cases supporting regulations. As we shall see, the trend in the courts is to sustain government regulation of hazardous activities for the prevention of harm. Nevertheless, local governments are often concerned about the possibility of a successful takings challenge to their regulations. Part of the concern with taking is due to misreading several U.S. Supreme Court decisions in the last decade addressing regulations for natural hazard areas described below. These decisions suggest that local and state regulations may be a “taking” in certain very narrow and easily avoidable circumstances. However, each of the decisions gave overall support to regulations.

RECENT FEDERAL CASES

Lingle v. Chevron

The United States Supreme Court recently issued a ruling in the Case of *Lingle v. Chevron*, 544 U.S. 528 (2005). That unanimous opinion of the Court sets forth four ways to pursue a Regulatory Taking Case:

1. Physical Invasion as in *Loretto v. Teleprompter Manhattan*, 458 US 419 (1982). The *Loretto* Case involved a New York City requirement that all residential buildings must permit a cable company to install cables, and a cable box the size of a cigarette pack. The Court held that any physical invasion must be considered a taking.



The Chevron site at issue in *Lingle v. Chevron*. Image credit: American Planning Association – Hawaii Chapter.

2. The Total, or Near Total Regulatory Taking as exemplified by the Case of *Lucas v. South Carolina Coastal Council*, 505 US 1003 (1992), where plaintiff Lucas was prohibited from building a home on the only vacant lots left on an otherwise fully developed barrier beach just outside Charleston, South Carolina. In 1988, State enacted the Beachfront Management Act, S. C. Code Ann. § 48-39-250 et seq., which barred the landowner from erecting any permanent habitable structures on his two parcels. The landowner asserted the effect of the Act on the value of the lots accomplished a taking under the Fifth and Fourteenth Amendments.

The court held that where a state seeks to sustain a regulation that deprives land of all economically beneficial use, it may resist compensation only if the logically antecedent inquiry into the nature of the owner's estate showed that the proscribed use interests were not part of his title to begin with. The Supreme Court reversed the judgment of the state supreme court denying compensation to the landowner under the Takings Clause of the Fifth Amendment and remanded the case because the regulation's effect on the landowner's property value was relevant.

3. A significant, but not nearly total taking as exemplified by the *Penn Central Transportation Company v. New York City*, 438 US 104 (1978), where the Penn Central Company was not permitted to build above Grand Central Station in New York City to the full height permitted by the overlay zoning in the area, for Historic Preservation reasons, but was provided transferable development rights. In

Penn Central, the Court used a three part test: a) economic impact, b) how regulation affects “investment-backed expectations,” and c) character of the government action.

4. Land use Exactions which are not really related to the articulated government interest as in *Nollan v. California Coastal Commission*, 483 US 825 (1987), where the California Coastal Commission conditioned a permit to expand an existing beachfront home on the owner, granting an easement to the public to cross his beachfront land. The articulated government interest was that the lateral expansion of the home would reduce the amount of beach and ocean the public on the roadside of the home could see. The Court indicated that preserving public views from the road really did not have an essential nexus with allowing folks to cross a beach. The Court also cited the *Dolan v. Tigard*, 512 US 374 (1994) case where someone wanted to expand a plumbing store and the community wanted the store to give the community some adjacent flood plain property and an easement for bike path in return for the possible increase in traffic caused by the expansion of the store. Again, in *Dolan*, the court basically indicated that there was really no relationship between the government interest and the exaction attempted. Basically the Court is saying no to plans of extortion.

In *Lingle*, the Court specifically indicates that it will no longer use the first part of the two part test for determining a Taking set forth in *Agins v. City of Tiburon*, 447 US 255 (1980): a) whether the regulation substantially advances a legitimate state interest, b) denies owner an economically viable use of land. The removal of this “substantially advances a legitimate state interest” prong of a takings test is a huge help to Floodplain Managers, to the concept of NAI and to Planning in general. In essence, the question of whether an action by a legislative body “substantially advanced a



Chevron site from *Lingle v. Chevron*. Image credit: American Planning Association – Hawaii Chapter.

legitimate state interest” had provided a mechanism for judicial second-guessing of the relative merits of legislative action. The Supreme Court is indicating that it will defer to legislative decisions unless: there is no real relationship between what the legislative body desires and the action taken, or there is some other due process or equal protection issue. See, *Nollan, supra*; *Dolan supra*; and Justice Kennedy’s concurring opinion in *Lingle, below*.

Justice Kennedy concurred in the majority opinion, but notes that the decision did not foreclose the possibility of litigating a regulation which was “so arbitrary or irrational as to violate due process.” It is not in any way clear as to why none of the other members of the Court joined in Justice Kennedy’s sentiments. However, this comment really does not matter to NAI because by its very nature NAI is the quintessence of the thoughtful and rational. The Court summed up its reasoning by stating that the tests articulated in *Lingle* “all aim to identify regulatory actions that are functionally equivalent to a direct appropriation of or ouster from private property.”

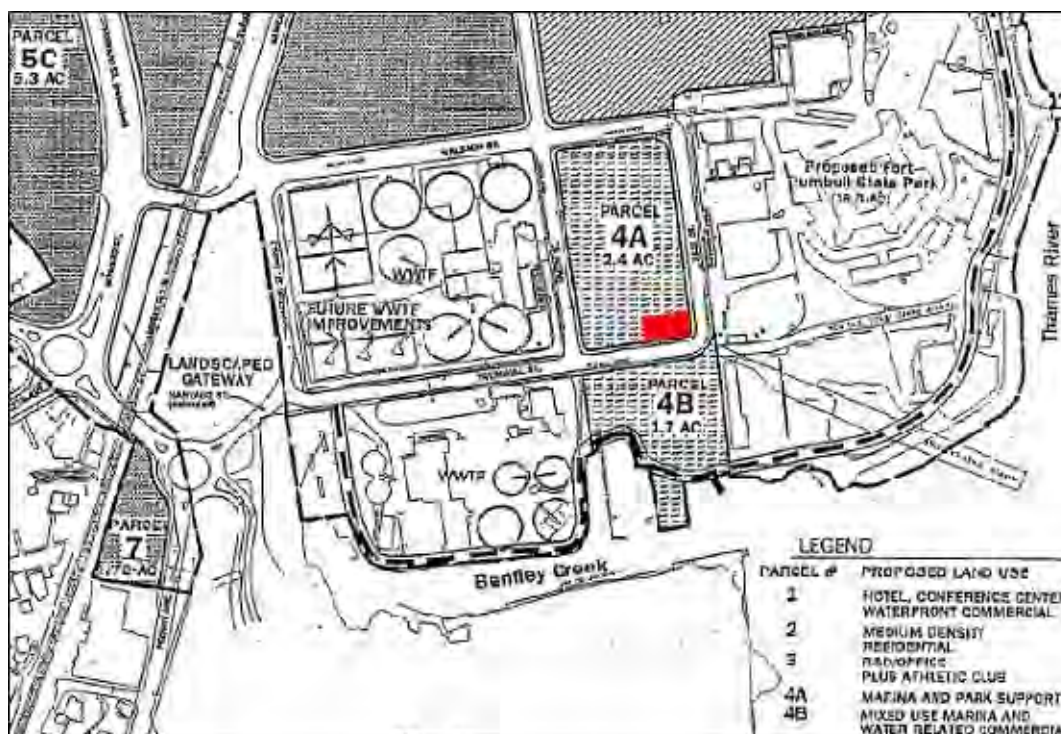
This clear statement by this nation's highest court supports both the principles of the National Flood Insurance Program (NFIP) and No Adverse Impact (NAI) floodplain and stormwater management. Both the NFIP and NAI seek to require the safe and proper development of land subject to a hazard. Neither the NFIP nor NAI floodplain and stormwater management require or support government regulations which oust people from their property.

Kelo v. New London

Kelo, 545 U.S. 469 (2005), involves condemnation, that is, a “paid taking” of residences. The case has to do with whether economic development in a community is considered a “public use” for purposes of a taking as described in the Constitution. The five-to-four decision that, yes, economic development can be considered a public use, shows how much deference the majority of the Justices are willing to give to local decision makers who, in this case, had decided to condemn private land so that commercial redevelopment could take place. Pro-government and planning associations cheered the decision. However, the announcement of the decision was also greeted by widespread public concern, outrage, and proposed legislative correction of the decision from groups concerned about the rights of minorities as well as property rights advocates. This widespread concern illustrates the extreme sensitivity of issues involving property rights. For floodplain and stormwater managers, the primary lesson of this case is that the Court was willing to give enormous deference to local decisions about what is best for a community, thus offering support to the concepts and principles of the Flood Insurance Program and No Adverse Impact floodplain/stormwater management.



Susette Kelo's house, New London, CT. Image credit: Dwight H. Merriam.



Draft Fort Trumbull Municipal Development Plan, City of New London, CT. Susette Kelo's property is located at the southeast corner of Parcel 4A, marked with red box. Image credit: Dwight H. Merriam.

[San Remo Hotel v. City and County of San Francisco, 545 U.S. 323 \(2005\)](#)

This unanimous decision in a case involving fees charged to permit the change of use of a hotel does not directly relate to hazard regulation. Nevertheless, it is important to floodplain managers because it indicates that taking claimants who have already litigated an alleged “taking” in state court do not get another “bite at the apple” in Federal court.

The following seven Supreme Court decisions in the last fifteen years have special relevance to floodplain regulations. Four of these (Tahoe, Dolan, First English, and Keystone) dealt with hazard reduction regulations; two with beach regulations (Lucas and Nolan) and one with wetlands (Palazzolo). The Court remanded the cases for further proceedings in five of the seven. The potential importance of holdings to future federal and state court cases is indicated.

[Tahoe-Sierra Preserv. Council, Inc. v. Tahoe Reg'l Planning Agency, 535 U.S. 302 \(2002\)](#)

The Court upheld Tahoe Regional Planning Agency temporary ordinances which had applied for 32 months to “high hazard” (steep slope) zones near Lake Tahoe against a claim that they were a taking of private property. The Court applied a “whole parcel” analysis to duration of regulation to decide that no taking had occurred. This case can be cited in the future to strongly support hazard-related regulations including “interim” regulations as well as moratoria on development when time is needed to adequately develop regulations e.g. in a post disaster context.

[Palazzolo v. Rhode Island, 533 U.S. 606 \(2001\)](#)

The Court held that purchase of wetland subject to restrictions was not bar to a suit for taking of private property but the test for taking was the value of the entire parcel and not simply the wetland portion. The case was remanded for further proceedings. This case may be cited in the future to help support hazard regulations in some contexts because it requires lower courts to consider the impact of regulations on entire parcels. But, it may also be cited to attack regulations where a landowner purchased lands subject to regulations and wishes to challenge the regulations. The Rhode Island Trial Court determined that there was no “taking” when it considered the case on remand. See discussion below under section entitled “Recent State Cases.”



[Dolan v. City of Tigard, 512 U.S. 374 \(1994\)](#)

The Court held that city regulations for the 100 year floodplain which required a property owner to donate a 15 foot bike path along the stream were not reasonably related to the goals of the regulation and were therefore a taking. The Court stated that the municipality had to establish that the dedication requirement had “rough proportionality” to the burden on the public created by the proposed development. The Court later, in *City of Monterey v. Del Monte Dunes at Monterey, Ltd*, 526 U.S. 687 (1999), held that rough proportionality test was limited to exactions of interests in land for public use.).

Dolan may be cited those attacking floodplain dedication requirements where the dedication requirements are not roughly proportional to the burdens created by the proposed floodplain activity, and, in fact, have little or no relationship to the articulated government interest. The Courts will particularly scrutinize any government requirement that a property owner's right to exclude others from their property is being infringed.

[Lucas v. South Carolina Coastal Council, 505 U.S. 1003 \(1992\)](#)

The Court held that state beach statute prohibiting building of a house that prevents "any reasonable use of lots" was a "categorical" taking unless the state could identify background principles of nuisance and property law which would prohibit the owner from developing the property. The case was remanded for further determinations by the South Carolina court, which determined that the Coastal Council's regulations were, in fact, a "taking." South Carolina bought the property from Lucas and sold it to a builder. This case may be cited to challenge floodplain regulations if the floodplain regulations deny all economic use of entire lands and the prohibited uses are not nuisance-like in their surroundings or otherwise limited by public trust or other principles of state law. On the other hand, the case may be cited in the future to support floodplain regulations where proposed activities are limited by common law or other principles of state law or where regulations do not deny all economic uses.



View of Lucas's two lots, on either side of large square house in the center, from the edge of the ocean (looking towards northwest). Note that Lucas's lots are the only vacant lots in sight along the beach. Image credit: William A. Fischel, Dartmouth College.



March 2000 image indicates original two Lucas lots, one with new residence, the other with fresh grading. Image credit: William A. Fischel, Dartmouth College.

[Nollan v. California Coastal Comm'n, 483 U.S. 825 \(1987\)](#)

The Court held that the California Coastal Council's conditioning of a building permit for a beach front lot upon granting public access to the beach lacked an "essential nexus" between the regulatory requirement and the regulatory goals and was a taking. The Court held that the access requirement "utterly fail[ed] to advance the stated public purpose of providing views of the beach, reducing psychological barriers to using public beaches, and reducing beach congestion." This case may be cited in the future to attack floodplain regulations if they lack adequate "nexus" to regulatory goals and dedications are required. However, inadequate nexus is very rarely a problem with floodplain regulations.



The Nollan property beach access. Image credit: Dan Mandelker, Washington Univ. School of Law.

[First English Evangelical Church of Glendale v. County of Los Angeles, 482 U.S. 304 \(1987\)](#)

The Court held that a temporary restriction by a flood hazard reduction ordinance which prevented the rebuilding of a church property was (potentially) a taking. The court remanded the decision to the Lower California court to reconsider whether a taking had occurred. The lower court held again that no taking had occurred. There was no further appeal of this decision. This case may be cited by landowners attacking floodplain regulations as a taking or temporary taking. However, this ruling is qualified by the *Tahoe*, above, which strongly upheld interim regulations as not a taking.

[Keystone Bituminous Coal Ass'n v. De Benedictis, 480 U.S. 470 \(1987\)](#)

The Court held that public safety regulations which restricted the mining of all of the coal to prevent subsidence were not a taking because the impact of regulations upon an entire property, not simply the areas where coal could not be removed, should be considered. This case may be cited in the future, supporting whole parcel analysis for floodplain regulations (see also *Tahoe* and *Palazzolo* above). The case may also be cited supporting regulations which restrict threats to public safety or control of nuisances)

Traditional floodplain regulations permit some development in the floodplain, although an increasing number of local and state regulations require various types of compensatory measures to ensure that development will not increase flood heights on other lands, consistent with No Adverse Impact standard. Regulations preventing landowners from increasing flood or erosion damages on other lands have been broadly upheld for a variety of reasons. With regard to



Longwall subsidence from coal mining undermines this railway in western Pennsylvania. Image credit: Pennsylvania Department of Environmental Protection.

uses with nuisance-like impacts, the U.S. Supreme Court in *Keystone Bituminous Coal Ass'n v. DeBenedictis*, 480 U.S. 470, 491 (1987) concluded:

The Court's hesitation to find a taking when the state merely restrains uses of property that are tantamount to public nuisances is consistent with the notion of "reciprocity of advantage." Under our system of government, one of the state's primary ways of preserving the public weal is restricting the uses individuals can make of their property. While each of us is burdened somewhat by such restrictions, we, in turn, benefit greatly from the restrictions that are placed on others. These restrictions are "properly treated as part of the burden of common citizenship." Long ago it was recognized that "all property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community"....and the Takings Clause did not transform that principle to one that requires compensation whenever the state asserts its power to enforce it.

A Texas court in *San Antonio River Authority v. Garrett Bros.*, 528 S.W.2d 266 (Tex., 1975) concluded, more broadly:

It is clear that in exercising the police power, the government agency is acting as an arbiter of disputes among groups and individuals for the purpose of resolving conflicts among competing interests. This is the role in which government acts when it adopts zoning ordinances, enacts health measures, adopts building codes, abates nuisances, or adopts a host of other regulations. When government, in its roles as neutral arbiter, adopts measures for the protection of the public health, safety, morals or welfare, and such regulations result in economic loss to a citizen, a rule shielding the agency from liability for such loss can be persuasively defended, since the threat of liability in such cases could well have the effect of deterring the adoption of measures necessary for the attainment of proper police power objectives, with the result that only completely safe, and probably ineffective, regulatory measures would be adopted.

RECENT STATE CASES

Gove v. Zoning Bd. of Appeals, 444 Mass. 754, (Mass. 2005)

The Town of Chatham zoned several areas, including its Special Flood Hazard Areas, in such a way that a variance would be required to build in those areas. Gove sold a 1.8-acre parcel of land on the condition that a building permit for a single-family home would be issued. The Town declined to issue the permit, and Gove sued, alleging a taking. In this decision, Massachusetts' highest court emphasized that the Town of Chatham had identified unique hazards on this erosion-prone coastal A-Zone property. The court found that the plaintiffs had not sufficiently shown that they could construct a home in this area without potentially causing harm to others. The Town made a good case that this is not just any A-Zone property in a SFHA. It is on the coast adjacent to the V-Zone, in an area which has experienced major flooding and is now exposed to the open ocean waves due to a breach in a barrier beach just opposite the site. Further it is subject to accelerated "normal" erosion, and storm related erosion.

The 1991 storm flooded the area around lot 93 [Gove's parcel] to a depth of between seven and nine feet above sea level, placing most, if not all, of the parcel underwater. The 1944, 1954, and 1991 storms, while significant, were less severe than the hypothetical "hundred year storm" used for planning purposes, which is projected to

flood the area to a depth of ten feet. According to another expert called by Gove..., during storms, roads in Little Beach can become so flooded as to be impassable even to emergency vehicles, and access to the area requires "other emergency response methods," such as "helicopters or boats." The same expert conceded that, in an "extreme" event, the area could be flooded for four days, and that, in "more severe events" than a hundred year storm, storm surge flooding in Little Beach would exceed ten feet.

Id. at 756-57. The court upheld the regulations and unequivocally affirmed local interests in preventing harm and protecting the property rights of all.

Zoning regulations on lot in coastal conservancy district which prohibited residential development were reasonably related to legitimate State interests in protecting rescue workers and residents, the effectiveness of the town's resources to respond to natural disasters, and the preservation of neighboring property, and thus regulations did not violate lot owner's due process rights.

This decision by the Massachusetts Supreme Judicial Court validates and supports the National Flood Insurance Program, the concept of No Adverse Impact floodplain, and stormwater management, as well as hazards based regulation in general. While the decision is binding only on Massachusetts Courts, it should have persuasive effect in other jurisdictions.

Palazzolo v. State, 2005 WL 1645974, (R.I. Super. Ct. 2005)

Palazzolo, an important Takings Issue case remanded in 2001 by the US Supreme Court, with instructions for re-hearing by the Rhode Island courts, was recently decided against the landowner. The decision is an extremely well written, well-reasoned, huge win for floodplain and hazard managers. Essentially, a Rhode Island Superior court determined that the stringent restrictions in coastal construction implemented by the Rhode Island Coastal Resources Council did not "take" the Palazzolo property in violation to the Fifth Amendment to the US Constitution:

[B]ackground principles of state law limited the property rights acquired by Plaintiff and SGI, his predecessor in title. Plaintiff's proposed residential development of the site would constitute a public nuisance under Rhode Island law. Plaintiff's proposed use of the property was, accordingly, not a part of the "bundle of rights" acquired when he, and before him, SGI, obtained title to the subject parcel. Thus, the regulations complained of have not resulted in a taking under the Fifth Amendment.

Id. at 14. The case is well worth reading since it offers a great review of Takings Law, the *Penn Central* balancing test, the Public Trust Doctrine and nuisance law. The *Palazzolo* case was not appealed and is considered to be "over and final."

Smith v. Town of Mendon, 4 N.Y.3d 1 (N.Y. 2004)

This case involved a requirement by a town that, as a condition of issuance of a building permit, the property owner must grant a conservation easement for some portions of the site, including flood hazard areas, on which the Town had imposed conservation overlay zoning severely restricting development. The owner did not propose to build on these environmentally sensitive areas, but at the same time did not want to restrict any future activity by granting a conservation easement. New York's

highest court issued a sharply divided (4-3) opinion that upheld the Town's requirement. An attempt was made to file an appeal in Federal Court but, as we understand the matter, was filed too late.

From a floodplain manager's perspective, the interesting thing is that there was no real argument in the case that the Town's restrictions on building in flood hazard areas was a taking. The plaintiff only argued against an easement that would restrict future development on other parts of the land, yet the court still upheld the community's requirement aimed at protecting environmentally sensitive and hazard-prone areas.

K&K Construction, Inc. v. Department of Env'tl. Quality, 705 N.W.2d 365 (Mich. App. 2005)

Michigan Department of Environmental Quality denies a permit to fill one-third of 83 acres wetlands. Trial court awards damages of \$16.5 million based on a purported Penn Central review. Michigan Appeals Court overrules the Michigan trial court. The Appeals Court indicates that based on a whole parcel analysis the owners were not deprived of reasonable property value.

We suggest that had the State calculated the harms from filling these wetlands including increased flood heights and velocities they would have had an even better and stronger case which might never have even gone to court.

In Re Woodford Packers Inc., 830 A.2d 100 (Vt. 2003)

In this case, the Vermont Supreme Court reviewed a challenge to a state regulation that established a methodology based on fluvial erosion for the designation of floodways much broader than the FEMA minimum standard:

Secretary of Agency of Natural Resources (ANR) was authorized to make determinations as to what constituted a floodway or a floodway fringe without promulgating a rule pursuant to Administrative Procedure Act (APA); even though ANR's use of "fluvial geomorphology" analysis, instead of Federal Emergency Agency (FEMA) National Flood Insurance Program (NFIP) maps, for determining floodways may have surprised applicant which sought land use permit for proposed retirement village, ANR's alteration of its methodology to determine presence of a floodway did not alter any preexisting rule... Evidence supported Environmental Board's decision that applicant's proposed retirement village project failed to comply with land use permit criterion for soil erosion; there had been significant erosion at and near the project site, and flood controls implemented by applicant, while intended to prevent the river from inundating heavily eroded areas, had potential for actually increasing the damage done by the river.

Id. at 106. This case is a huge win for sensible NAI-type regulation based on local conditions and applied to all property owners equally based on an individual application of a standard methodology to an individual property. We believe that the legal reasoning supporting this decision is equally applicable to State or local coastal erosion standards.

Wild Rice River Estates, Inc. v. City of Fargo, 705 N.W.2d 850 (N.D. 2005)

In this case, the City of Fargo, North Dakota City had imposed a 21-month moratorium on development while FEMA mapped the floodplain/floodway of an area which had recently flooded. The State Supreme Court indicated that the moratorium was appropriate for this period of time so the

municipality could obtain the results of a FEMA an updated Flood Insurance Rate Study and Map which would include data derived from the recent flood experience.

Mansoldo v. State of New Jersey, 187 N.J. 50 (N.J. 2006)

This case arose from the State of New Jersey's refusal to issue building permits for the construction of residences in a designated and mapped floodway. In an extremely confused opinion, a lower New Jersey court had determined that the denial of this permit was a taking, but no compensation was due to the plaintiff. We have been unable to discover any case in this country that had reached such a conclusion involving a floodway. Such a determination could be of enormous detriment to floodplain management and to the fundamental principles of the National Flood Insurance Program.

This case is a landmark for the Association of State Floodplain Managers, in that it is the first time that the Association has submitted its own brief in any matter. (A link to the brief is on the ASFPM website at <http://www.floods.org>.) The brief was prepared pro bono by the Rutgers's Law School Environmental Law Clinic, and the Georgetown Environmental Law and Policy Institute.

Fortunately the New Jersey Supreme court vacated the ruling of the lower court and sent the case back to the lower court for further processing with clear and correct instructions as to what the Supreme Court had determined constituted a "taking".

In *Mansoldo*, the court took the extremely unusual step of essentially disagreeing with the arguments of both the Plaintiff and Defendant. Instead, the court essentially followed the arguments and analysis submitted in the ASFPM. The Members of ASFPM can and should take a great deal of pride that their Association was afforded this nearly unprecedented deference and respect by the New Jersey Supreme Court. In addition this assistance from the Association enabled the New Jersey Court to issue a ruling which neither does harm to the principles of No Adverse Impact Floodplain Management, nor to fundamental principles of the National Flood Insurance Program.

REGULATIONS EXCEEDING NFIP MINIMUM STANDARDS

Courts have sustained a wide range of floodplain regulations that exceed the specifically articulated minimum standards of FEMA's National Flood Insurance Program against challenges that they are unreasonable or a taking. See particularly *Hansel v. City of Keene*, 634 A2d 1351 (N.H., 1993) in which the New Hampshire Supreme Court upheld an ordinance adopted by the City of Keene which contained a "no significant impact" standard. The zoning ordinance prohibited new construction within the floodplain unless it was demonstrated "that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevations of the base flood at any point within the community."

In sustaining the regulation, the court noted that the floodplain ordinance revealed "an understandable concern among city officials that any water surface elevation increase in the floodplain could, at minimum, strain city resources and impose unnecessary hardship on city residents." This case could be used by floodplain managers in considering whether to issue permits for structures in the floodway, where engineers have submitted "no-rise" certification. Such certification is often done considering only the proposed structure, not appropriately considering "that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevations of the base flood at any point within the community". NOTE:

Minimum NFIP standards allow floodway construction if “no-rise” is certified by a licensed professional engineer, whereas many state and local regulations prohibit non-water dependent structures in the floodway.

For other examples sustaining regulations which exceed minimum FEMA standards against “takings” and other challenges, see the cases cited below pertaining to setbacks, restriction of high hazard areas, and open space zoning:

-  *Am. Cyanamid v. Dept. of Env'tl. Prot.*, 555 A.2d 684 (N.J., 1989) (Court held that N.J. DEP could use USGS 500-year design flood line for regulatory purposes.)

-  *New City Office Park v. Planning Bd., Town of Clarkstown*, 533 N.Y.S.2d 786 (N.Y., 1988) (Court upheld planning board’s denial of site plan approval because the developer could not provide compensatory flood storage for 9,500 cubic yards of fill proposed for the property. The court noted that, “[I]ndeed, common sense dictates that the development of numerous parcels of land situated with the floodplain, each displacing only a relatively minor amount of floodwater, in the aggregate could lead to disastrous consequences.)

-  *Patullo v. Zoning Hearing Bd. of Tp. of Middletown*, 701 A.2d 295 (Pa. Cmwlth, 1997) (Court held that landowner is not entitled to a special exception or variance for construction of a garage in a 100 year floodplain where construction would have raised flood heights by 0.1 foot and area (lateral extent?) of the floodplain along a road by 1 foot.)

-  *Reel Enter. v. City of LaCrosse*, 431 N.W.2d 743 (Wis., 1988) (Court held that Wis. DNR had not taken private floodplain property by undertaking floodplain studies, disapproving municipal ordinance, and announcing an intention to adopt floodplain ordinance for city putting all or most properties within floodway designation. Plaintiff had failed to allege or prove the deprivation of “all or substantially all, of the use of their property.” Although the decision was partially overruled on procedural grounds, the Wisconsin Court of Appeals affirmed the substantive holding that to be actionable as a taking, the state must deprive the owner of all or substantially all use of their property in *Busse v. Dane County Regional Planning Comm'n*, 181 Wis. 2d 527.)

-  *State v. City of La Crosse*, 120 Wis.2d 263 (Wis., 1984) (Court held that state’s hydraulic analysis showing that fill placed in the La Crosse River floodplain would cause an increase greater than 0.1 in the height of the regional flood, contrary to the city’s floodplain zoning ordinance and state regulations.)

-  *Mt. Joy Township v. Davies Used Auto Parts*, 80 Pa. Commw. 633 (Pa. Cmwlth, 1984) (Court upheld the town’s authority to require a thirty-foot setback from the floodplain for junkyards.)

-  *In re C&M Developers*, 49 Pa. D. & C.4th 71 (Pa. Dist. & Cnty. 2000) (Court upheld local development standards that prohibited inclusion of floodplain acreage for minimum lot size purposes.)

-  *Wawa, Inc. v. New Castle County Bd. of Adjustments*, 2005 Del. Super. LEXIS 39 (Del. Super. 2005) (Court upheld local prohibition on new underground gasoline storage tanks in the floodplain, drainages, riparian buffers, and steep slopes, and affirmed the denial of the applicant’s request for a variance.)

Courts have only held flood-related regulations to be a taking in a very small number of cases where regulations denied landowners all economic and non-nuisance use of private lands. Various versions of the denial of economic use test have been widely applied at the state level for more than forty years. See Kusler, *Open Space Zoning: Taking or Valid Regulation*, 57 Minn. L. Rev. 1 (1972). For example, a New York Court of Appeals in *Arvene Bay Constr. Co. v. Thatcher*, 15 N.E.2d 587 at 592 (N.Y., 1938), held that “[a]n ordinance which permanently so restricts the use of property that it cannot be used for any reasonable purpose goes, it is plain, beyond regulation, and must be recognized as a taking of property.”

SIMULTANEOUS CONSTITUTIONAL CHALLENGES

Landowners wishing to challenge a floodplain regulation often simultaneously argue that the regulations are unconstitutional under the state and federal Constitution in a number of different ways: the regulations are adopted for improper goals; the regulations are not reasonably related (lack reasonable nexus) to regulatory goals; the regulations are discriminatory; and the regulations are an uncompensated taking of private property. Courts are more likely to find a taking if they find inadequate goals, inadequate nexus, or discrimination.

The authors have found no appellate cases successfully attacking floodplain regulations as lacking adequate goals. For a case upholding goals see, e.g., *Soc’y for Envtl. Econ. Dev. v. New Jersey Dep’t of Envtl. Prot.*, 504 A.2d 1180 (N.J., 1985). Additionally, landowners have very rarely succeeded in attacking floodplain regulations as lacking an adequate nexus to regulatory goals. For a single example see, e.g., *Sturdy Homes, Inc. v. Town of Redford*, 186 N.W.2d 43 (Mich. 1971) (No evidence of flooding for an area regulated as a floodplain, and case was probably long before flood maps were available.) Landowners have not succeeded in attacking floodplain regulations as discriminatory except where discrimination was also linked to takings challenges. See, e.g., *Baggs v. City of South Pasadena*, 947 F.Supp. 1580 (Fl., 1996), where a court rejected discrimination charges where a variance had been granted to some landowners but not to others. See also *Hansel v. City of Keene*, 634 A2d 1351 (N.H., 1993).

Courts have found in some instances that a community has failed to follow statutory procedures in adopting and implementing regulations (e.g., notice, hearing, publication of maps) and violated Due Process guarantees. This challenge is, however, separate from takings. Courts have required that communities follow statutory procedures in adopting and administering regulations and have occasionally invalidated regulations or permit decisions on this basis. See, e.g., *Ford v. Bd. of County Comm’rs of Converse County*, 924 P.2d 91 (Wy., 1996).

FACTORS CONSIDERED BY THE COURTS IN A TAKINGS CASE

In deciding whether floodplain regulations take private property without payment of just compensation, courts simultaneously examine a variety of factors in addition to goals, nexus and possible discrimination suggested above. They examine the following three with particular care:

What is the nature of the landowner’s property interest?

Courts often grapple with the question of whether the public or landowners truly own floodplains. Moreover, is the landowner’s property subject to public trust? See, e.g., *Phillips Petroleum Co. v. Mississippi*, 484 U.S. 469 (1988), in which the Supreme Court held that private landowners who believed

that they owned estuarine wetlands in Mississippi subject to the ebb and flow of the tide, and who had paid taxes on such lands for more than 100 years, did not in fact, own such lands and could not claim a taking when the state leased the lands to someone else. See also *Bubis v. Kasson*, 184 N.J. 612, (N.J. 2005), in which the court held that a private property owner's easement over a beach and bluff areas was extinguished between the beach and bluff areas, which were entirely below the mean high water mark.

Courts further inquire: What are the landowners' common law rights and duties? See discussion above. What are the landowners' reasonable, investment-backed expectations for the property? See generally *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978), in which the Supreme Court indicated that factors relevant to determination of a taking included "the character of the government action", "the economic impact of the regulation on the claimant," and "the extent to which the regulation has interfered with distinct investment-backed expectations." *Id.* at 124.

What is the nature of the government action and need for regulation?

Has the regulation been adopted to serve adequate goals? Does the regulation have a reasonable relationship to the regulatory goals? If a landowner claims that regulations violate substantive due process because they lack adequate relationship to regulatory goals, the landowner's burden to overcome the presumption of validity is particularly great if a legislative act or expert agency action are involved. Courts have held that with regard to local zoning adopted by a local legislative body "In order to support his constitutional claims, the plaintiff is required to prove that the defendant's actions were clearly arbitrary, unreasonable, and discriminatory and bore no substantial relation to the health, safety, convenience and welfare of the community." *Burns v. City of Des Peres*, 534 F.2d 103, 108 (8th Cir. 1976), cert. denied, 429 U.S. 861 (1976). Courts have held that if the issue is "fairly debatable," a legislative act must be upheld. See *Shelton v. City of College Station*, 780 F.2d 475 (5th Cir. 1986), cert. denied, 477 U.S. 905 (1986). Courts also ask: Is the regulation preventing harm (e.g., a public nuisance)? See cases cited below.

What is the impact of the regulation on the landowner?

What has the landowner paid for the land? What are the taxes? Does the landowner have some existing economic use of the land, such as a residence, agriculture, or forestry? What are the landowner's investment-backed expectations? What is the diminution in value resulting from the regulations? See, e.g., *McElwain v. County of Flathead*, 811 P.2d 1267 (Mont. 1991) (Court upheld 100 foot setback between septic tank field and floodplain against claim of taking, although the regulation reduced property values from \$75,000 to \$25,000 because the property owner was still able to utilize the property, although not as near the river.) Does the landowner have some economic use for the entire property? See discussion below.

Taking into account all of these factors, courts balance public interests and private rights to decide whether regulations have "gone too far." See *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978) (Court upheld denial of air rights over Grand Central Station as not a taking and looked at the impact of the regulations on the entire property.) It is only when floodplain regulations deny all economic use of lands that regulations have encountered successful takings challenges. See cases cited below.

The "denial of all economic use" was set forth by Justice Scalia as a "categorical" test for taking in the 1992 Supreme Court decision, *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)

although this test has been applied for many years in state courts. Justice Scalia concluded that “[w]here the State seeks to sustain regulation that deprives land of all economically beneficial use, we think it may resist compensation only if the logically antecedent inquiry into the nature of the owner's estate shows that the proscribed use interests were not part of this title to begin with.” He emphasized, however, that this categorical rule applies only where there is a total loss of value through regulation.

Justice Scalia analogized regulations which prohibit all economically beneficial use of land to “permanent physical occupation” of land in arguing that such regulations should be subject to a categorical determination of taking if limitations upon use are not found in the property concepts of state law. He offered the following guidance in deciding whether state property law limitations upon use which would prevent the application of the categorical rule:

Any limitation so severe cannot be newly legislated or decreed (without compensation), but must inhere in the title itself, in the restrictions that background principles of the State's law of property and nuisance already place upon land ownership. A law or decree with such an effect must, in other words, do no more than duplicate the result that could have been achieved in the courts--by adjacent landowners (or other uniquely affected persons) under the State's law of private nuisance, or by the State under its complementary power to abate nuisances that affect the public generally, or otherwise.

On this analysis, the owner of a lake bed, for example, would not be entitled to compensation when he is denied the requisite permit to engage in a landfill operation that would have the effect of flooding others' land. (*Emphasis added*). Nor the corporate owner of a nuclear generating plant, when it is directed to remove all improvements for its land upon discovery that the plant sits astride an earthquake fault. Such regulatory action may well have the effect of eliminating the land's only economically productive use, but it does not proscribe a product use that was previously permissible under relevant property and nuisance principles. The use of these properties for what are now expressly prohibited purposes was always unlawful, and (subject to other constitutional limitations) it was open to the State at any point to make the implication of those background principles of nuisance and property law explicit...

The “total taking” inquiry we require today will ordinarily entail (as the application of state nuisance law ordinarily entails) analysis of, among other things, the degree of harm to public land and resources, or adjacent private property, posed by the claimant's proposed activities..., the social value of the claimant's activities and their suitability to the locality in question..., and the relative ease with which the alleged harm can be avoided through measures taken by the claimant and the government (or adjacent private landowners) alike...The fact that a particular use has long been engaged in by similarly situated owners ordinarily imports a lack of any common-law prohibition (though changed circumstances or new knowledge may make what was previously permissible no longer so....So also does the fact that other landowners, similarly situated, are permitted to continue the use denied to the claimant.

Id. at 1029-30.

PERFORMANCE REGULATIONS AND DENIAL OF ALL ECONOMIC USE

Will performance-oriented No Adverse Impact floodplain regulations deny all economic use?

Denial of all economic use is rarely an issue with performance-oriented regulations, including a performance-oriented No Adverse Impact standard. With a performance-oriented approach, landowners have a number of options for achieving the standard, which may include both primary and secondary uses. As noted by the Nebraska court of appeals in *Bonge v. County of Madison*, 567 N.W.2d 578 (Neb., 1997), “[t]o establish that a regulation constitutes a taking, the landowner bears the burden of showing that not only that all primary uses are unreasonable, but also that no reasonable secondary use (one permitted by special use permit or variance) is available.” See e.g., *Sirois v. Zoning Bd. of Review*, 2003 R.I. Super. LEXIS 29 (R.I. 2003).

For examples of cases sustaining performance-oriented floodplain regulations see:

- ☑ *In the Matter of Quality by Father & Son, Ltd. v. John Bruscella*, 666 N.Y.S.2d 380 (N.Y., 1997). (Denial of a variance for a house constructed below the flood elevation specified in a floodplain ordinance was valid.)
- ☑ *Krahl v. Nine Mile Creek Watershed District*, 283 N.W.2d 538, (MN 1979) owner failed to meet his burden of proof that community floodplain regulations deprived him of all reasonable use of his flood-prone property.
- ☑ *Beverly Bank v. Illinois Dept. of Transp.*, 579 N.E.2d 815 (Ill., 1991) (Floodplain legislation that restricted landowners from building in floodways was rationally related to several state interests and constitutional.)
- ☑ *Responsible Citizens v. City of Asheville*, 302 S.E.2d 204 (N.C., 1983) (Performance standard floodplain regulations are not a taking.)
- ☑ *Rolleston v. State*, 266 S.E.2d 189 (Ga., 1980) (Georgia’s Shore Assistance Act requiring permits for altering the shore is valid and not a taking.)
- ☑ *Kopelzke v. County of San Mateo, Bd. of Supervisors*, 396 F. Supp 1004 (D. Cal., 1975) (County regulations requiring a geologic report concerning soil stability not a taking.)
- ☑ Denials of individual permits or variances or refusal to approve subdivisions for failure to comply with performance standards have also been broadly held not to be a taking. See, for example:
- ☑ *Wilkerson v. City of Pauls Valley*, 24 P.3d 872 (Okla., 2002) (Mobil home park operator failed to demonstrate that city’s denial of his request for variance for placement of additional homes on existing lots was abuse of discretion, contrary to law, or clearly against weight of evidence provided.)
- ☑ *Gregory v. Zoning Board of Appeals of the Town of Somers*, 704 N.Y.S.2d 638 (N.Y., 2000) (Court upheld denial of a variance to a landowner to build a single-family residence with frontage on only a dirt road subject to ponding, deep ruts, abrupt grade and vegetation because the condition of the dirt road made “emergency response difficult.”)

- ☑ *Sarasota County v. Purser*, 476 So. 2d 1359 (Fla., 1985) (Court upheld denial of a special except for a 350-unit mobile home park in the floodplain.)
- ☑ *Rolleston v. State*, 266 S.E. 2d 189 (Ga., 1980) (Denial of permit for bulkheading pursuant to Georgia Shore Assistance Act not a taking.)
- ☑ *Creten v. Board of County Comm'rs*, 466 P.2d 263 (Kan., 1970) (Court sustained denial of county permit for mobile home park in an industrial area subject to odor nuisances and flooding.)
- ☑ *Falcone v. Zoning Board of Appeals*, 389 N.E.2d 1032 (Mass, 1979) (Court held that zoning board of appeals did not exceed its authority in denying subdivision application for failure to comply with floodplain ordinance.)
- ☑ *Kraiser v. Zoning Hearing Bd.*, 406 A.2d 577 (Pa., 1979) (Court upheld decision of zoning hearing board of township denying a variance for a duplex residential dwelling in a 100-year floodplain conservation zone based upon substantial evidence of drainage and flooding problems and the possibility of increasing hazards to other buildings.)
- ☑ *Vartelas v. Water Res. Comm'n*, 153 A.2d 822 (Conn., 1959) (Court upheld denial of a single permit with a particular design and construction materials pursuant to a Connecticut state level floodway program.)

This is not to suggest that performance standards could not be held unreasonable or a taking if they made no sense (e.g., adoption of flood-related performance standards for an area not subject to flooding) or if they, in effect prevented all economic, non-nuisance activities.

ATTACHMENT OF CONDITIONS TO PERMITS

May governments attach conditions to permits to reduce the impacts of proposed activities on flooding and to protect structures? For example, might a state or federal agency attach a condition to a floodplain permit that requires the permittee to acquire flood easements from other potentially damaged property owners?

Courts have, with very little exception, upheld the conditional approval of permits or subdivision plats, providing the conditions are reasonable and proportional to the impacts of the permitted activity. Such conditional approvals are common with performance standard hazard-related regulations. Conditions may include design changes, preservation of floodways, dedication of certain floodplain areas to open space uses, adoption of deed restrictions for certain high-risk areas, installation of stormwater drainage and detention areas, etc. This support for hazard mitigation conditions is due to the strong judicial support for hazard prevention and reduction goals and the clear relationship (in most instances) between the conditions and these goals. Examples of cases sustaining conditions include:

- ☑ *New City Office Park v. Planning Bd. of Town of Clarkstown*, 533 N.Y.S.2d 786 (N.Y., 1988) (Denial of site plan for office park was justified because it did not comply with planning board's requirements for building in the floodplain. Regulations required compensatory storage.)
- ☑ *Wilson v. Dept. of Env'tl. Conserv.*, 524 N.Y.S.2d 45 (1988) (State could condition a building permit upon obtaining septic tank permit.)

☑ *Board of Supr's of Charlestown Tp., v. West Chestnut Realty Corp.*, 532 A.2d 942 (Pa., 1987) (Court held that a condition to preliminary approval of a detailed stormwater plan was justified prior to final subdivision approval.)

☑ *Osborn v. Iowa Natural Res. Council*, 336 N.W.2d 745 (Ia., 1983) (Court held that conditions for an after-the-fact permit for a levee and straightening a creek channel were valid. These conditions included widening the channel, relocation of the levee, realignment of the channel, and providing a strip of land along the channel for wildlife habitat.)

☑ *Cohalan v. Lechtrecker*, 443 N.Y.S.2d 892 (1981) (City may rezone property conditioned upon private declaration of covenant restricting use.)

☑ *Metropolitan St. Louis Sewer District v. Zykan*, 495 S.W.2d 643 (Mo., 1973) (Court upheld regulations of the Metropolitan Sewer District requiring construction of drainage facilities in subdivisions and ordered both specific performance and payment of damages.)

☑ *Longridge Estates v. City of Los Angeles*, 6 Cal. Rptr. 900, (Cal., 1960) (Court held that city could reasonably charge subdivider for connection to use municipal storm drains and sewers where fees went exclusively for the construction of outlet sewers.)

☑ *City of Buena Park v. Boyar*, 8 Cal. Rptr. 674 (Cal., 1960) (Court upheld condition that \$50,000 be paid by developer to permit municipal construction of a drainage ditch to carry away surface waters from subdivision as a reasonable condition for subdivision plat approval.)

☑ *County Council for Montgomery County v. Lee*, 148 A.2d 568 (Md., 1959) (Court held that county could require that subdivider obtain drainage easements for construction of storm drainage outlet and file a performance bond to assure that the easements would be acquired.)

There are limits to local authority. Courts are more likely to strike down a local regulation that:

- Deprives the landowner of all economically beneficial use of land
- Treats similarly situated applicants differently
- Is not directly related to protecting public health or safety
- Even if tied to valid public purpose, the regulation does not promote that purpose under specific facts alleged
- Requires that a portion of the property be dedicated that is not reasonable or proportional
- Applicant can demonstrate was arbitrary, capricious, or motivated by bias or animosity.

In broader land use control contexts, courts have sometimes disapproved conditions as a violation of Due Process or, in some instances, as a taking where the statute or ordinance did not expressly authorize such conditions, the conditions were unreasonable (not related to the regulatory goals), or the condition was not proportional to the impact of the proposed use. For example, in *Paulson v. Zoning Hearing Bd. of Wallace*, 715 A.2d 785 (Pa. Cmwlth., 1998), a court held that efforts to restrict the hours of operation of a go-cart operation in the floodplain in issuing a special exception for a floodplain were not reasonably related to ordinance goals.

The U.S. Supreme Court in *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987) held that a public beach access dedication requirement did not bear a reasonable relationship (nexus) to regulatory goals and was a taking of private property. The U.S. Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994) further held that regulations adopted by the City of Tigard which required a floodplain

landowner to dedicate a bike path along a stream was unconstitutional and taking because the bike path requirement was not “roughly proportional” in “nature and extent to the impact of the proposed development”. The Supreme Court clarified this requirement in the *City of Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S.687 (1999) by stating that it applied to “land use decisions conditioning approval of development on the dedication of property to public use.”

There was some concern that courts would broadly disapprove conditions in light of the *Nollan* and *Tigard* decisions. However, this has not proven to be true. State and federal courts continue to approve reasonable conditions including dedications. See, e.g., *City of Annapolis v. Waterman*, 745 A.2d 1000 (Md., 2000) for a particularly thorough analysis and many case citations. But see *Isla Verde Int’l Holdings, Inc. v. City of Camas*, 990 P.2d 429 (Wash., 1999) in which the court held unconstitutional an across the board 30% lot area dedication requirement.

A possible way for a community to address case-by-case determinations of “rough proportionality” with regard to dedication requirements is suggested by an Oregon case, *Lincoln City Chamber of Commerce v. City of Lincoln City*, 991 P.2d 1080 (Ore. 1999). In this case the court upheld an ordinance requiring dedication of “easements for drainage purposes” and “to provide storm water detention, treatment and drainage features, and facilities.” The ordinance further required that, “[i]f the applicant intends to assert that it cannot legally be required, as a condition of building permit or site plan approval, to provide easements or improvements at the level otherwise required by this section, the building permit or site plan review application shall include a ‘rough proportionality’ report, prepared by a qualified civil or traffic engineer....”

RESTRICTIVE REGULATION OF HIGH-RISK AREAS

May a government unit adopt tight regulations for high-risk areas such as floodways and velocity zones and dunes to implement a No Adverse Impact standard?

Courts have upheld highly restrictive regulations for high-risk areas even when in some instances there were few economic uses for the lands because of the potential nuisance impacts of activities in these areas and because of public trust and public ownership issues.



Flooding on Lake Travis in 1997, Texas. Image credit: Lower Colorado River Authority.

In *Gove v. Zoning Bd. of Appeals*, 444 Mass. 754 (Mass. 2005), the Town of Chatham zoned several areas, including its Special Flood Hazard Areas, in such a way that a variance was required to build. Gove sold a 1.8-acre parcel of land on the condition that a building permit for a single-family home would be issued. The Town declined to issue the permit, and Gove sued, alleging a taking. In this decision, Massachusetts’ highest

court emphasized that the Town of Chatham had identified unique hazards on this erosion-prone coastal A-Zone property. The court found that the plaintiffs had not sufficiently shown that they could construct a home in this area without potentially causing harm to others.

This decision by the Massachusetts Supreme Judicial Court very much validates and supports the NFIP, the concept of No Adverse Impact floodplain management, and hazards-based regulation in general. While the decision is binding only on Massachusetts courts, it should have persuasive effect in other jurisdictions.

As noted above, the US Supreme Court in *Lucas v. South Carolina Coastal Commission*, 505 US 1003 (1992) found that Lucas's lots had been rendered valueless by a statute to protect barrier islands. In 1986, Lucas bought two residential lots on the Isle of Palms, a South Carolina barrier island. He intended to build single-family homes as on the adjacent lots. In 1988, the state legislature enacted a law which barred Lucas from erecting permanent habitable structures on his land. Lucas sued and won a large monetary judgment. The state appealed, and in a 6-to-2 decision, the Court relied on the trial court's finding that Lucas's lots had been rendered valueless by the state law. "[W]hen the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good...he has suffered a taking."

In *Annicelli v. Town of South Kingston*, 463 A.2d 133 (R.I. 1983), the court ruled that denial of a permit to build a single family dwelling on a barrier beach was a taking "for a public good" that deprived the owner of all economic use of the property. Although it recognized the ecological significance of barrier beaches, the court reasoned that "the police power may properly regulate the use of property only where uncontrolled use would be harmful to the public."

Additional examples include:

-  *Wyer. v. Bd. of Env'tl. Prot.*, 747 A.2d 193 (Me., 2000) (Court upheld denial of a variance for a sand dune area against claims of taking because the property had uses for parking, picnics, barbecues and other recreational uses and was of value to abutters.)
-  *Stevens v. City of Cannon Beach*, 854 P.2d 449 (Ore., 1993) (Court held that denial of permit to build a sea wall as part of development for motel or hotel use in a flood area was not a taking.)

Courts are even more likely to support regulation of proposed development that affects a floodway. Examples include the following cases.

-  *Our Way Enter., Inc. v. Town of Wells, et al.*, 535 A2d 442 (Me., 1988) (Court upheld a 20 feet coastal setback from seawall.)
-  *Usdin v. State Dept. of Env'tl. Prot.*, 414 A.2d 280 (N.J., 1980). (Court upheld state floodway regulations prohibiting structures for human occupancy, storage of materials, and depositing solid wastes because of threats to occupants of floodway lands and to occupants of other lands.)
-  *Maple Leaf Investors, Inc. v. State Dept. of Ecology*, 565 P.2d 1162 (Wash., 1977). (Court upheld denial of a permit for proposed houses in floodway of the Cedar River because there was danger to persons living in a floodway and to property downstream.)
-  *Turner v. County of Del Norte*, 24 Cal. App. 3d 311 (Cal., 1972) (Court upheld county floodplain

zoning ordinance limiting areas subject to severe flooding to parks, recreation, and agricultural uses.)

- ☑ *Spiegle v. Beach Haven*, 218 A.2d 129 (N.J., 1966) (Court sustained dune and fence ordinances for a beach area subject to severe storm damage where buildings had been destroyed in a 1962 storm. The regulation effectively prevented all building or rebuilding on several lots. The Court held that the plaintiff had not met his burden in proving a taking because the plaintiff had failed to prove “the existence of some present or potential beneficial use of which he has been deprived.”)
- ☑ *McCarthy v. City of Manhattan Beach*, 264 P.2d 932 (Cal., 1953). (Court sustained a zoning ordinance which restricted oceanfront property to beach recreation uses for an area subject to erosion and storm damage due, in part, because there were questions as to the safety of the proposed construction at the site.)

PARCEL AS A WHOLE DOCTRINE

Can governmental units adopt very stringent regulations such as setbacks and floodway regulations applying to only portions of lots?

Floodway regulations, beach setbacks, bluff setbacks, fault line setbacks and other regulations for high risk areas which prohibit development in narrow strips of land pose less severe taking problems than regulations applied to broader areas because the U.S. Supreme Court and lower federal and state courts have usually examined the impact of the regulation upon entire parcels in deciding whether a taking has occurred. Lot sizes, therefore, also becomes important. Examples of U.S. Supreme Court cases in which the court refused to divide single parcels into discrete segments for a taking analysis include:

- ☑ *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002) (Court upheld temporary ordinances for “high hazard” (steep slope) zones near Lake Tahoe. The Court applied a “whole parcel” analysis to duration of regulation to decide that no taking had occurred.)
- ☑ *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001) (Court held that test for taking was the impact on value of the entire parcel and not simply the wetland portion.)
- ☑ *Keystone Bituminous Coal Assoc. v. De Benedictis*, 480 U.S. 470 (1987) (Court considered the impact of regulations restricting the mining of coal upon the entire property not simply the areas where coal could not be removed.)
- ☑ *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978) (Court upheld denial of air rights over Grand Central Station as not a taking and looked at the impact of the regulations on the entire property.)
- ☑ *Gorieb v. Fox*, 274 U.S. 603 (1927) (Court sustained a street setback of approx. 35 feet.)

Many examples can be also cited of lower courts sustaining regulations which tightly restrict only a portion of a property. In *City of Coeur d’Alene v. Simpson*, 136 P.3d 310 (Id. 2006) the Idaho Supreme

Court ruled that plaintiffs might be able to establish a taking based on a regulation prohibiting any structures, including fences, along the shorefront of Lake Coeur d'Alene. The court concluded that the trial court had erred in ruling that the waterfront lot, which plaintiffs had apparently transferred to their sons for tax avoidance purposes, should be considered as part of the same parcel as the plaintiffs' upland lot. The court remanded the case for reconsideration of the parcel issue, focusing on (1) whether the transfer was made for the purpose of manufacturing a taking claim, and (2) if so, based on such factors as whether the lakefront and upland lots were subject to different regulations, the fact that the lots were separated by a road, and the fact that the lots were separately taxed.

- ☑ *K & K Const. Inc., v. Dept. of Natural Res.*, 705 N.W.2d 365 (Mich. App., 2005) (Three contiguous parcels should be considered in deciding whether wetland regulations are a taking.)
- ☑ *Zealy v. City of Waukesha*, 548 N.W.2d 528 (Wis., 1996) (Landowner's whole property needed to be considered, not just portion subject to wetland restriction, to determine whether a taking had occurred.)
- ☑ *MacLeod v. County of Santa Clara*, 749 F.2d 541 (9th Cir., 1984), cert. denied 472 U.S. 1009 (1985) (Denial of a permit for a timber operation on part of a parcel not a taking.)
- ☑ *Deltona Corp. v. United States*, 657 F.2d 1184 (Cl. Ct., 1984) (U.S. Court of Claims held that denial of a permit by the Corps of Engineers to dredge and fill a mangrove wetland in Florida did not take private property because the denial of the permit would affect the usefulness of only a portion of the property.)
- ☑ *Moskow v. Comm'r of the Dept. of Env'tl. Mgmt.*, 427 N.E.2d 750 (Mass., 1981) (Court upheld a state restrictive order for a wetland area important in preventing floods in the Charles River Watershed against claims of taking.)
- ☑ *Krahl v. Nine Mile Creek Watershed District*, 283 N.W.2d 538 (Minn., 1979) (Minnesota Supreme Court held that watershed district's floodplain encroachment regulations tightly controlling development in 2/3 of an 11-acre tract were not unconstitutional taking of property.)

Because courts usually look at the impact of regulations upon an entire property, large lot zoning for hazard areas may make sense not only in providing greater potential for safe building sites on each lot but in insuring the constitutionality of regulations. Courts have often sustained large lot zoning for hazard-related areas as serving proper goals. See, for example:

- ☑ *Kirby v. Township Comm. of the Twp. of Bedminster*, 775 A.2d 209 (N.J., 2000) (Court sustained 10 acres minimum lot size area for environmentally sensitive area which included some floodplain.)
- ☑ *Grant v. Kiefaber*, 181 N.E.2d 905 (Ohio, 1960), affirmed 170 N.E.2d 848 (Ohio, 1960) (Court sustained 80,000 square foot lot size for a flood prone area.)
- ☑ *Gignoux v. Kings Point*, 99 N.Y.2d 285 (N.Y., 1950) (Court sustained 40,000 square foot lot size for swampy area and observed that the "best possible use of this lowland would be in connections with its absorption into plots of larger dimensions.")

Although courts have, in general, examined the impact of regulations upon an entire property, there

are exceptions. For example, the U.S. Supreme Court in *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987) held that an attempt by the California Coastal Commission to require a landowner to dedicate a beach access agreement as a condition to receiving a building permit was a taking although this dedication affected only a portion of the property. However, this factual situation was different from most others because the Court held that this restriction lacked adequate relationship to the regulatory goals and attempted to allocate a portion of the land to active public use. See also *Dolan v. City of Tigard*, 512 U.S. 374 (1994) and discussion above.

OPEN SPACE ZONING

Could government units apply open space zoning in implementing a No Adverse Impact standard?

Quite a large number of courts have sustained regulations restricting entire hazard areas to open space uses although there are some adverse decisions as well where the regulations were found to deny all economic use. Examples of cases upholding regulations include:

-  *Bonnie Briar Syndicate, Inc. v. Town of Mamaroneck, et al.*, 94 N.Y.2d 96 (N.Y., 1999) (Court held that recreation zoning was not a taking for a golf course which was partially floodplain.)
-  *Dodd v. Hood River County*, 136 F.3d 1219 (C.A. 9, 1998) (Court held that prohibition of homes in a forest zone was not a taking.)
-  *Hall v. Bd. of Env'tl. Prot.*, 528 A.2d 453 (Me., 1987) (Court held that sand dune law was not a taking despite a prohibition of year-round structures since the owner could live in or rent out spaces for motorized campers connected to utilities.)
-  *Krahl v. Nine Mile Creek Watershed District*, 283 N.W.2d 538 (Minn., 1979). (Court held that watershed district's floodplain encroachment regulations affecting 2/3 of an 11-acre tract were not an unconstitutional taking.)
-  *Turnpike Realty Co. v. Town of Dedham*, 284 N.E.2d 891 (Mass., 1972), cert. denied, 409 U.S. 1108 (1973) (Court upheld zoning regulations essentially limiting the floodplain to open space uses despite testimony that the land was worth \$431,000 before regulations and \$53,000 after regulation.)

Several, older, contrary cases exist, however, where courts held that regulations prevented all economic use of entire lands. But in these cases, the courts found that proposed uses would not cause safety threats or cause nuisances, or the regulations were subject to other infirmities. See, for example:

-  *Dooley v. Town Plan & Zoning Comm'n*, 197 A.2d 770 (Conn., 1964) (Court held that open space floodplain zoning ordinance which denied all economic use of specific land was a taking.)
-  *Morris County Land Imp. Co. v. Parsippany-Troy Hills Twp.*, 193 A.2d 232 (N.J., 1963) (Court invalidated in total a wetland conservancy district which permitted no economic uses where the district was primarily designed to preserve wildlife and flood storage.) However, the New Jersey Supreme Court subsequently questioned that decision, holding that, "[w]here the effect of the governmental prohibition against use is not in furtherance of a governmental activity, such as flood control or preservation of land for a park or recreational area, but rather to preserve the land for ecological reasons in its natural environment without change, the consideration of the

reasonableness of the exercise of the police power must be redetermined.” *Gardner v. N.J. Pinelands Comm’n*, 125 N.J. 193 (1991).

WHEN THE ONLY ECONOMIC USES THREATEN PUBLIC SAFETY OR CAUSE NUISANCES

Can governmental units prohibit uses and activities which may threaten safety or cause nuisances where these activities may be the only economic use of specific hazard areas?



In the case of *In re Woodford Packers, Inc.*, 2003 VT 60 (Vt. 2003), the Supreme Court of Vermont vacated a development permit for construction determined to be in a floodway. The state’s decision to use fluvial geomorphology instead of flood insurance program maps to determine the presence of a floodway did not constitute creation of a rule that had to be adopted under Vermont’s Administrative Procedure Act. Moreover, the record supported the Board’s findings that the development would be located in a floodway.

In a fair number of cases, courts have held regulations valid even where the regulations prevent all economic use of lands if proposed would be nuisance-like, threaten public safety, or be “unreasonable” in terms of the rights and duties of all landowners. Here is where common law rights and duties, discussed above, become important. Examples include:

- ☑ *Goldblatt v. Town of Hempstead*, 369 U.S. 590 (1962) (Supreme Court upheld ordinance which prohibited extraction of gravel below the groundwater level against taking claim due, in part, to the possible safety hazards posed by such open water pits. This ordinance effectively prevented an economic use of the land.)
- ☑ *Consol. Rock Prod. Co. v. Los Angeles*, 370 P.2d 342, appeal dismissed, 371 U.S. 36 (Cal., 1962) (Court held that regulations which prevented the extraction of sand and gravel in a floodplain were not a taking despite the fact that extraction was the only economic use for the land because extraction of sand and gravel would have had nuisance-impacts upon the suffers of respiratory ailments who lived nearby.)
- ☑ *McCarthy v. City of Manhattan Beach*, 264 P.2d 932 (Cal., 1953), cert. denied, 348 U.S. 817 (1954) (Court held that open space beach regulations designed, in part, to prevent construction in areas subject to flooding and erosion were not a taking as applied to the facts of the case because the plaintiff did not show that the proposed use would have been safe.)

The authors were, in fact, unable to find a single case from any jurisdiction where a landowner prevailed in a taking suit where a proposed use would have caused a nuisance or would have threatened public safety.

A somewhat more difficult issue arises where the proposed activity will not threaten adjacent lands but will primarily cause damage to the landowner if the proposed activity is located in a high-risk area. For example, a landowner may wish to locate his or her home in a coastal wave or erosion zone. This may not increase flood or erosion losses on other property although the home may be destroyed. It has been argued that prohibition of such an activity is, in fact, “protecting a person against himself.”

However, courts recognize that floodplain development poses public safety risks appropriate for local regulation. Arthur C Nelson, Ph.D., ASCE, FAICP notes that a single-family home can be reasonably expected to last 150 years, essentially a time bomb for future generations.

Prohibition of activities which may damage the landowner does have some support in other legislation. For example, legislatures have adopted vehicle seat belt, motorcycle helmet, and other laws primarily designed to reduce injuries to individuals from risks they consciously assume. Such laws have been upheld in most instances. See, Kusler, J., et al., Vol. 1, *Regulation of Flood Hazard Areas to Reduce Flood Losses*, (1971) at p. 309 et. seq. Part of the justification for such laws is that seriously injured individuals often do not pay the medical costs or the long-term disability costs which are born by society as a whole.

This may also be true for construction of a home in a flood or erosion area. The individual constructing his/her or “a” house in a high-risk hazard area (flash flooding, avalanche, mudslide, landslide, earthquake, fault line) may not only place him/herself in danger but his family, friends, and guests. Subsequent purchasers may also be unaware of and threatened by hazards. This can be a real problem because vacation properties (e.g., beach, mountainside) have a high turnover rate and are often purchased by visitors not familiar with the area. In addition, many of these private structures are, over time, converted to rental units and condominiums with broader public exposure to risk. The costs of extending public services to these areas may be high and such services may be repetitively damaged at public expense. If emergency rescue is necessary during a hazard event, police, fire, or other rescue personnel may be put at risk. Finally, governments often end up paying much of the bill for private occupation of high-risk areas through disaster assistance, flood loss reduction measures, tax write offs, etc.

Public safety and welfare arguments, therefore, can be made that development (or at least development lacking extensive safety measures) is unreasonable in high-risk areas even where such development lacks common law nuisance impacts. For example, in *Spiegle v. Beach Haven*, 218 A.2d 129 (N.J., 1966), the New Jersey Supreme Court held that a beach setback line that prevented building in an area subject to severe storm damage was not a taking, in part, because the proposed activities were not “reasonable” in the circumstances given the severe storm hazard. The language of the court is interesting and may be similar in other high-risk situations (*Id.* at 137):

Plaintiffs failed to adduce proof of any economic use to which the property could be put. The borough, on the other hand, adduced un rebutted proof that it would be unsafe to construct houses oceanward of the building line (apparently the only use to which lands similarly located in defendant municipality had been put) because of the possibility that they would be destroyed by a severe storm--a result which occurred during the storm of March, 1962. Additionally, defendant submitted proof

that there was great peril to life and health arising through the likely destruction of streets, sewer, water and gas mains, and electric power lines in the proscribed area in an ordinary storm. The gist of this testimony was that such regulation prescribed only such conduct as good husbandry would dictate that plaintiffs should themselves impose on the use of their own lands. Consequently, we find that plaintiffs did not sustain the burden of proving that the ordinance resulted in a taking of any beneficial economic use of their lands.

More recently, Judge Cathell, then a Judge of the Maryland Court of Special Appeals, applied the nuisance exception in *Erb v. Dep't of Envmt.*, 676 A.2d 1017 (Md. App. 1996). The court found that the denial of an on-site septic system did not constitute a taking where permitting the system would allow for the maintenance of a nuisance. *Id.* at 1026-27. Writing for a unanimous panel, Judge Cathell explained as follows:

Appellant's property has not been taken for public use; rather, his development of it has been restricted to prevent public harm. In general, a property owner must use his property so as not to injure others, and a state is allowed to promulgate regulations that achieve this result. Along the same lines, a property owner generally has the constitutional right to make any use of his property he desires, so long as he does not endanger or threaten the health and safety of the general public... There is no right, and there has never been any, incidental to the use of private property to create, conduct, or permit a nuisance thereon. A regulation prohibiting a nuisance is not, and cannot be, the taking or interference with a right incident to the use of private property. A right to maintain a nuisance does not exist in the first instance.

Id. at 264-66, 676 A.2d at 1026-28 (citations omitted).

CIVIL RIGHTS CLAIMS & SECTION 1983

Title 42, § 1983 of the U.S. Code provides a vehicle for seeking redress for an alleged deprivation of a litigant's federal constitutional and federal statutory rights by an official's abuse of position. Increasingly, landowners and developers use § 1983 to elevate a claim to federal court, requiring local officials to defend their ordinances or permitting decisions in venues often hundreds of miles away. Section 1983 reads as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

Congress passed 42 U.S.C. § 1983 in 1871 as Section 1 of the "Ku Klux Klan Act." The statute did not emerge as a tool for checking the abuse by state officials until 1961 when the Supreme Court decided *Monroe v. Pape*. In *Monroe*, the Court articulated three purposes for passage of the statute: (1) "to override certain kinds of state laws"; (2) to provide "a remedy where state law was inadequate"; and (3) to provide "a federal remedy where the state remedy, though adequate in theory, was not available in

practice.” After *Monroe* opened the door of the federal courthouse, plaintiffs seeking monetary damages sued not only state officials but began to sue cities and counties as well. They also sought prospective injunctive relief against state officials. Ultimately, the federal court became the venue to reform the governmental practices of states and community leaders.

To establish a prima facie case under 42 U.S.C. § 1983, plaintiffs must successfully allege two elements: (1) the action occurred “under color of law” and (2) the action is a deprivation of a constitutional right or a federal statutory right. *Parratt v. Taylor*, 451 US 527, 535 (1981). The first element involves a fact-specific inquiry wherein the court must examine the relationship between the challenged action and the government. When a plaintiff sues a governmental entity, such as a city or county, for a constitutional violation arising from its policy or custom, action under color of law is present because the entity was created by state law. See, e.g., *Monell v. Department of Soc. Servs.*, 436 U.S. 658, 690–91 (1978). Because a governmental entity generally acts only through its agents or employees, all regulatory actions associated with development review, approval, and enforcement occur under color of law. The second element involves the alleged deprivation of selected constitutional rights. When a plaintiff asserts the violation of a right specifically enumerated in the Bill of Rights or protected under the due process clause, the violation is complete at the time of the challenged conduct and the § 1983 remedy is available. *Zinermon v. Burch*, 494 U.S. 113, 125 (1990) (quoting *Daniels v. Williams*, 474 U.S. 327, 331 (1986)).



Governments may exercise eminent domain authority in ways that give rise to actions under § 1983. While liberty interests may be derived directly from the due process clause of the Constitution or created by state law, property interests “are created from an independent source such as state law.” *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972). In *La Raza Unida of Southern Alameda County v. Volpe*, 440 F. Supp. 904 (N.D. Cal. 1977), plaintiffs sought to halt the acquisition of land for highway construction that would displace them from their homes. Plaintiffs based their claim on, in part, provisions of the Uniform Relocation Assistance and Real Property Act of 1970, which entitled those displaced by federal construction projects to various forms of assistance in relocation. The court held that under the Act, state officers were obligated to determine that, “comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement,” and their failure to do so was actionable under section 1983. *Id.* at 912, quoting H.R. Rep. No. 91-1656, 91st Cong., 2d Sess.

Section 1983 operated in the floodplain context in *Wozniak v. County of Du Page*, 569 F. Supp. 813 (D. Ill. 1983), where county officials denied a permit for proposed development on the grounds that the property was prone to flooding. In a letter opinion, the 18th Judicial District, DuPage County, Illinois, ordered the permit issued in March 1980, whereupon the property owner alleged in federal court that the county violated their due process rights, not based on mere mistake of floodplain determination, but as part of a conspiracy to preserve their property for a future public roads project. The district court concluded that, since it was “conceivable that if the Wozniaks were successful in proving that the flood plain decision was a sham, was in violation of applicable standards and appropriate guidelines, and was made only to improperly preserve the land for another purchaser, their federal claim could proceed to judgment.” *Id.* at 816.

In another case, *A.A. Profiles, Inc. v. City of Fort Lauderdale*, the landowner sought relief under 42 U.S.C. § 1983 for the taking of property without just compensation in violation of the fifth amendment and the deprivation of property without due process in violation of the fourteenth amendment. 850 F.2d 1483 (11th Cir. 1988), cert. denied, 490 U.S. 1020 (1989). The court first held that the case was ripe for adjudication under § 1983, because city's action was final. The court distinguished between the finality of the administrative action and the exhaustion of administrative remedies. No adequate remedy, administrative or otherwise, was available to appellant. The court considered that the city had previously approved development of the land, and the owner had expended a great deal of time and money in pursuing the development. The court also concluded that the city's rezoning of his land was an unconstitutional taking.

Municipalities can be held liable under §1983 for failure to adequately train its officials, employees, and agents. The US Supreme Court reached this conclusion in the 1989 decision in *City of Canton v. Harris*, 489 U.S. 378, noting that:

[I]f a city employee violates another's constitutional rights, the city may be liable if it had a policy or custom of failing to train its employees and that failure to train caused the constitutional violation. In particular, we held that the inadequate training of police officers could be characterized as the cause of the constitutional tort if--and only if--the failure to train amounted to "deliberate indifference" to the rights of persons with whom the police come into contact.

Id. at 388. Subsequently, lower courts have considered property interests in the context of § 1983 claims, and reinforced the importance of due process, transparency, notice, and consistency in the application of local standards for communities wishing to avoid civil rights challenges.

In *Staubes v. City of Folly Beach*, the South Carolina Court of Appeals considered whether the city's denial of permits for reconstruction of a substantially damaged structure manifested a taking, and whether the city's action violated the property owner's procedural due process rights under § 1983. 500 S.E.2d 160 (S.C., 1998). The court held that the City's actions in revoking property owner's building permit for repair of damage following Hurricane Hugo did not deprive owner of all economically viable use of his land, and thus was not a temporary taking. Additionally, the city did not inform owner that he could not repair duplex under any circumstances but, rather, that he was required to comply with applicable building codes for new construction before undertaking repairs.

However, the City had failed to substantiate the revocation of Staubes's building permit with evidence of its estimated cost of repairs exceeding fifty percent of the building's pre-Hugo market value. As a result, the court remanded to the trial court for determination as to whether the City's actions were sufficiently negligent to support Staube's claim under the South Carolina Torts Claims Act. Oddly, Staube's claims were dismissed in 2001 because he was not able to demonstrate that he owned the property. 2001 WL 35835129 (S.C.Com.Pl., 2001). Even so, *Staubes v. City of Folly Beach* still provides support for landowner claims of gross negligence where a city fails to support actions with clear, meaningful, and expert evidence where needed.

Floodplain mapping and determination can be controversial subjects of litigation. States, through enabling legislation, often grant discretion to municipal authorities to regulate land use to prevent damage to persons and property due to flood. Since local governments that participate in the NFIP adopt, enforce, and help maintain flood insurance rate maps (FIRMs), they may regulate flood hazard

areas beyond the boundaries shown on an effective FIRM. Courts have upheld this local practice where it is congruent with enabling statutes and designed to secure safety from hazards like flooding.

The District Court for the District of Connecticut affirmed this principle in *Ravalese v. East Hartford*, 608 F. Supp. 575 (D. Conn. 1985), when the plaintiff landowner claimed that the town's use of a more restrictive floodplain map deprived him of his property without due process of law and without compensation, and that the actions of town, therefore, constituted violations of the fifth and fourteenth amendments redressable under 42 U.S.C. § 1983. The court upheld the town's authority to regulate from its own maps, rather than those of the state or federal governments, and concluded that the ordinance "simply regulates construction and use so that development in such a zone does not increase the potential for personal and economic harm from a flood." *Id.* at 580.

More recently, in *Ahern v. Fuss & O'Neill, Inc.*, a developer filed a § 1983 action against a Connecticut town in connection with its adoption of revised floodplain map that reflected a higher flood elevation for redevelopment site. The map revision resulted from the belated discovery of a discrepancy in previously existing documents describing the floodplain, and required that the developer to modify the proposed development in such a way that, in the developer's view, rendered the site unsuitable. The court concluded that the town's adoption of revised map did not represent its own policy decision but rather was an adoption of federal flood elevation levels consistent with the town's policy of participation in the National Flood Insurance Program. *Ahern v. Fuss & O'Neill, Inc.*, 78 Conn. App. 202 (Conn., 2003).

The Floodplain Administrator for Canadian County, Oklahoma was sued individually and in her official capacity by a plaintiff landowner who claimed violations of the takings clause of the Fifth Amendment, and his right to procedural and substantive due process under the Fourteenth Amendment. *Glen Eagles of Canadian County, L.L.C. v. Bd. of County Comm'rs*, 2006 U.S. Dist. LEXIS 27266 (D. Okla. 2006). In particular, the plaintiff asserted that the county, "by placing [the plaintiff's] land in the flood plain," had "taken" his property. The plaintiff also asserted a state law claim against the county and its officials for inverse condemnation, state law claims of intentional interference with contractual relations and civil conspiracy against the officials as individuals. The district court found the claims not ripe for review, since the landowner had not filed a complete permit application and the county had rendered no final decision. The court relied on a Supreme Court case to conclude that "the economic impact of the challenged action and the extent to which it interferes with reasonable investment-backed expectations . . . cannot be evaluated until the administrative agency has arrived at a final, definitive position regarding how it will apply the regulations at issue to the particular land in question." *Id.* at 7, (citing *Williamson County Reg'l Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 191 [1985]). Since the federal takings claim was not ripe, the court considered all of the related constitutional claims to be "coextensive" and also not ripe.

In *York v. Cedartown*, the plaintiffs filed a § 1983 claim that the city's negligently designed and constructed street and drainage system diminished the value of their property and constituted a continuing nuisance. The Fifth Circuit held that the damages may be actionable in tort, but did not suggest the level of abuse of governmental power necessary to elevate the claim to a constitutional civil rights violation. *York v. Cedartown*, 648 F.2d 231 (5th Cir., 1981). See also, *Baranan v. Fulton County*, 299 S.E.2d 722 (Ga., 1983); *City of Watauga v. Tayton*, 752 S.W.2d 199, (Tex., 1988).

Courts have consistently found that State compensation procedures may be available and must be exhausted for landowners to pursue their action in federal court. For example, inverse condemnation actions brought under Fifth Amendment are subject to this ripeness requirement. If, and only if, a

landowner is unable to obtain remedy at the administrative and state court levels, landowners may pursue action in federal court for taking without just compensation. See, e.g., *Bensch v. Metropolitan Dade County*, 952 F.Supp. 790 (S.D. Fla., 1996); *Anderson v. Chamberlain*, 134 F.Supp.2d 156 (D. Mass., 2001); *Clear Channel Outdoor v. City of Lakewood*, Not Reported in F.Supp.2d, 2005 WL 1354609 (W.D. Wash., 2005).

However, a Minnesota court upheld a jury award of damages for county negligence where a public project altered the water flow, causing severe structural damage to a home. *Oswalt v. Ramsey County*, 371 N.W.2d 241 (Minn.App., 1985). Because appellant's residence was present prior to the enactment of the city's floodplain management ordinance, it could remain as a nonconforming use, but the ordinance prohibited reconstruction of a nonconforming use destroyed to an extent of fifty percent or more of its assessed value. When the city condemned the home under the Minnesota statute on hazardous buildings, the plaintiff homeowner vacated and eventually defaulted on his mortgage. The court found that the city exercised its authority under the state's safe building laws, "but it effectively applied a standard enacted as part of the floodplain ordinance [and] used that standard without the determination it would necessarily make if it exercised force openly under the ordinance." *Id.* at 247. (The property was later sold to and repaired by a developer who did not include his labor in the cost of repairs.)

In addition to due process grounds, the U.S. Constitution provides for claims of violations of equal protection rights, as in *Willowbrook v. Olech*, 528 U.S. 562, decided February 23, 2000. Mrs. Olech's complaint alleged that the municipality demanded a 33-foot easement as a condition of connecting her property to the municipal water line, whereas only a 15-foot easement was required from other property owners in her subdivision. Further, she claimed that the municipality's demand for additional footage was irrational and wholly arbitrary and that the homeowner ultimately connected her property after receiving a clearly adequate 15-foot easement. On certiorari, the Supreme Court held that Mrs. Olech had successfully stated a cognizable equal protection claim.



Mrs. Olech's home, 120 feet from road. Image credit: Dwight Merriam.

In the case of *O'Mara v. Town of Wappinger*, 2007 U.S. App. LEXIS 8608 (2d Cir. 2007), property owners and their property management company, filed an action against defendant town and asserted a claim for declaratory judgment of ownership free and clear of restriction, a claim under § 1983 for violation of their substantive due process rights, and state law claims for fraud and negligent misrepresentation. Prior to closing on a purchase, the property owners had a title search done, but the search made no mention of open space or "no build" restrictions on either parcel. It was brought to the town's attention by one of the heirs of the original owner of the property that the property was not supposed to be developed, and the town zoning administrator issued a stop work order to the property owners. The town offered to grant the property owners a certificate of occupancy upon the contingency that the rest of the two parcels of property would be designated as open space. The court found that because the restriction on developing the property was not properly recorded, the restriction was not enforceable against a bona fide purchaser for value, which the property owners were.

In *Clubsides, Inc. v. Valentin*, 468 F.3d 144 (2d Cir. 2006), the town board's denial of a developer's petition to extend a sewer district did not violate Fourteenth Amendment substantive due process rights because the developer did not have a constitutionally protected interest where N.Y. Town Law § 194(1)(d) granted the board discretion to consider

In *Niefert v. Dep't. of Env.*, 395 Md. 486 (Md. App. 2006), plaintiff landowners sought damages and attorneys' fees from the Department and, pursuant to § 1983, from the officials responsible for the permit denials, claiming the denial of equal protection and an unconstitutional taking under both the United States and Maryland Constitutions. The court denied the equal protection and takings claims, noting that "although the septic denials rendered appellants' lots undevelopable, the denials did not constitute a taking because they fall within the takings 'nuisance exception' recognized by the Supreme Court in *Lucas*. Nuisances that are recognized at common law and prohibit all economically beneficial use of land do not constitute a taking." *Id.* at 518-19 (citations omitted). As the body of property-rights related § 1983 jurisprudence continues to mount, public officials can take comfort in the continued support from the courts for No Adverse Impact principles.

Property rights have limits. For example, developers and landowner have no right to:

- Adversely impact the property of others
- File lawsuits designed to intimidate regulators into granting permits
- Obtain a permit to develop without adequate notice and opportunity for hearing from potentially affected neighbors
- Take a claim to court before exhausting administrative remedies, that is, before local officials have reached a final decision regarding the application of the regulations to the property at issue.

HOW "SAFE" IS "SAFE"?

Who decides how "safe" is "safe"? To what extent will courts defer to legislative bodies on this issue?

This is still an open question when the risks are small. However, courts have afforded legislative bodies broad discretion in deciding acceptable and unacceptable limits when public health and involved. See, for example, the U.S. Supreme Court case, *Queenside Hills Realty Company v. Saxl*, 328 U.S. 80 (1946) in which the Court upheld a New York "Multiple Dwelling Law" which required that lodging houses of non-fireproof construction in existence prior to enactment of the statute be modified to comply with safety requirements. The owner of such a building argued that the cost of installing such a system (about \$7500) was too great. The Court rejected the due process arguments with language that can easily be applied to earthquake or flood retrofitting as well regulation of new development (*Id.* at 83):

[T]he legislature may choose not to take the chance that human life will be lost in lodging house fires and adopt the most conservative course which science and engineering offer. It is for the legislature to decide what regulations are needed to reduce fire hazards to a minimum.... [I]n no case does the owner of property acquire immunity against exercise of police power because he constructed it in full compliance with the existing laws.

SUMMARY, CONSTITUTIONAL CHALLENGES TO REGULATIONS

Courts are likely to uphold a performance-oriented, No Adverse Impact standard in floodplain regulations and more specific implementing regulations against claims of taking or unreasonableness. Such community regulations can and should be more stringent than existing FEMA minimum standards or state standards. FEMA encourages state and local regulations more restrictive than FEMA standards. They could require additional freeboard, establish rational hazard protection based setbacks, impose

tighter floodway restrictions, and very tightly regulate high-risk areas. However, communities should approach with particular care situations where regulations prevent all economic use of entire properties, particularly where there are economic uses for these lands which pose no threats to safety or lack “nuisance” impacts. Consideration could be given to creating a residual value in the property through transferable development rights, seasonal recreational usage, or open space usage in conjunction with adjacent properties.

PART 4: KEEPING OUT OF LEGAL TROUBLE

What, then, can a community do to reduce potential common law legal liability from increased flood or erosion damages by applying a No Adverse Impact approach? How can it avoid Constitutional problems with No Adverse Impact regulations for private properties?

To reduce potential liability from landowner suits due to community-induced increased flood or erosion damages, a community could:

-  **Adopt a No Adverse Impact standard for public works projects.** Liability will be reduced by not increasing flood levels, velocities and erosion or other adverse impacts on adjacent lands.
-  **Incorporate the No Adverse Impact standard in master plans and policies.** Implement this standard, in part, through master plans for community public lands and infrastructure construction, and management, including bridge and road construction and reconstruction, sewer and water installation, use of public parks and other public lands, construction of public buildings, construction of flood control structures, and other activities. We don't mention community development plans—comprehensive plans and regulations—they should be on the list.
-  **Conduct a liability audit.** Conduct an “audit” of existing potential liability situations by determining where increased flooding or erosion is likely on private lands due to inadequate culverts or bridges, public roads or fills, increased runoff due to urbanization, and flooding due to approval of subdivisions and acceptance of dedicated storm water facilities. Hazard mitigation measures can then be focused on these areas to reduce potential liability.
-  **Carry out hazard reduction planning.** Develop and implement plans for reducing potential flood and erosion losses and liability through improved flood mapping, warning systems, evacuation plans, re-develop plans and standards, relocation of flood prone structures, resizing of bridges and culverts, acquisition of flood easement, and flood control measures can also reduce the potential for successful liability suits.
-  **Encourage private landowners to purchase flood insurance.** Landowners are less likely to sue governments for increases in flood and erosion damages if they are compensated by insurance for any losses.
-  **Adopt floodplain regulations for private property.** A community may reduce landowner suits claiming that the community has increased flood heights or velocities by adopting regulations restricting intensive use of such lands. For example, it can adopt large lot zoning, setbacks, and increased elevation requirements for private structures in such areas.

To reduce potential takings liability from floodplain regulations incorporating a No Adverse Impact standard (Part 3 above) a community could:

- ☑ **Apply a No Adverse Impact standard in development standards and regulations** and implement the standard fairly and uniformly to building permits and site plan review, subdivision approval, acceptance of dedicated open space and stormwater facilities, building code inspections and enforcement. Courts provide great support for regulations which are fairly and uniformly implemented.



- ☑ **Ensure that development standards expressly relate to public health and safety** through statements of purpose,

Communities that share a watershed collaborate for higher development standards. Image credit: Texas Colorado River Floodplain Coalition.

resolutions, and statements to the record of commission and council proceedings. Purposes should tie safety to floodplain regulations, but they also may refer to general welfare considerations such as protection of air and water quality, agricultural and forestlands, wetlands, floodplains as habitat, and sites of historic or archeological value. Furthermore, the public purpose must be linked clearly to the specific restriction or permit condition on a property.

- ☑ **Require flood easements for increases in flood heights or velocities.** Allow landowners to increase flood heights and velocities only through special exception or variance processes. Allow such increases only if landowners will acquire flood easements from anyone whose property is impacted by the increased flood heights, velocities, erosion, etc.

- ☑ **Prepare detailed and accurate maps.** Develop particularly accurate flood and erosion maps and other flood and erosion information where regulations must tightly control development (e.g., an urban floodway and coastal high risk areas) and there is the possibility of a taking challenge based on denial of all economic uses.

- ☑ **Reduce real estate taxes.** Many states allow local governments to reduce real estate taxes for wetlands, agricultural lands, and other open spaces.

- ☑ **Undertake education efforts.** Work actively with landowners to educate them with regard to flood hazards and to help them prevent future increases in flood hazards. Such measures can help reduce their potential liability to other private landowners for increasing flood heights and velocities.

- ☑ **Help landowners identify economic uses.** Work actively with landowners to help them identify economic uses for their floodplain lands, particularly where regulations may severely limit development on existing lots. Such uses many include farming, forestry, parking areas, use of floodplains as recreation areas in subdivisions, use of floodplains as open spaces to meet minimum lot size requirements for residential zoning with placement of structures on uplands, ecotourism, and other activities.

-  **Undertake selective acquisition.** Actively acquire and place in public ownership selected floodplain areas as part of post flood relocation, greenway, stormwater management, parks and recreation, and other programs. Acquisition may be particularly appropriate where regulations may deny all economic use of low risk private lands.

-  **Develop, publicize, and equitably implement development review procedures.** Local practices regarding development review, negotiations with developers, approval of proposed development, and enforcement of development standards present specific opportunities for communities to reinforce sound standards, demonstrate commitment to consistent application of those standards, and promote sustainable projects as part of the each local leader's legacy. However, these processes also present possible pitfalls through inconsistent, inequitable, and other than transparent application of those standards. To avoid these pitfalls, it is the responsibility of each local official – elected, appointed, or hired – to establish and implement procedures for development review, approval, and enforcement that are agreed upon through collaboration with planners, inspectors, code enforcement staff, law enforcement, legal teams, and municipal courts. Communities considering the adoption or modification of procedures should ensure that the process is transparent to and inclusive of the interests of allied staffs and the public.

-  **Ensure that staff having development review and standards enforcement responsibilities receives proper training, resources, and support.** Communities are most vulnerable where development occurs without review or with approvals that are not informed by careful review of potential hazards and liabilities. Every community participating in the National Flood Insurance Program designates a local Floodplain Administrator who needs training, resources, and support to perform effectively their duties.
 - o Training is available through numerous sources, including ASFPM, the Emergency Management Institute, online programs, and others.
 - o Resources include funding for adequate staffing, administrative tools, and materials for outreach to encourage sustainable economic development. Additionally, Floodplain Administrators need the time and ability to visually inspect the designated floodplains and other potentially flood-prone areas of the community.
 - o Support demonstrates that governing bodies will seek and consider the recommendations of the Floodplain Administrator regarding all proposed development.

PART 5: SUMMARY & CONCLUSION

Stormwater and floodplain managers can be heartened by the recent decisions and opinions in Supreme Courts cases and in several states, all of which support the concept of government management of areas prone to flooding. Four tests for a “taking” have been clearly delineated by the Supreme Court, all of which tend to restrict takings to fairly narrow circumstances.

The Court has indicated that deference will be given to local decisions in matters of land use and community development -- a stance helpful to stormwater and floodplain management because it underscores the responsibility for and prerogatives of localities for management of land within their jurisdictions. Two influential states’ high courts have supported communities’ zoning, regulations, and other management techniques intended to protect development from hazards, prevent development from having adverse impacts on other property, and to preserve environmentally sensitive areas. .

When NAI planning is done and the community’s plans and regulations look like they may meet resistance from landowners and developers, here are some hints to help frame the regulation to avoid a Taking ruling:

- ☑ Avoid Interfering with the Owners Right to Exclude Others. See, e.g., *Loretto v. Teleprompter Manhattan*, 458 US 419 (1982).
- ☑ Avoid Denial of All Economic Use. See, e.g., *Lucas v. South Carolina Coastal Council*, 505 US 1003 (1992).
- ☑ In Highly Regulated Areas Consider Transferable Development Rights or Similar Residual Right so the Land Has Appropriate Value. See, *Penn Central Transportation Company v. City of New York*, 438 US 104 (1978).
- ☑ Clearly Relate Regulation to Preventing a Hazard. See, the very favorable court rulings in *Gove v. Zoning Board of Appeals of Chatham, Massachusetts* and *Palazzolo v. State*, 71 F.3d 1233, (R.I. 2005).; in contrast to the unfortunate cases of *Annicelli v. Town of South Kingston*, 463 A.2d 133 (1983); and *Lopes v. Peabody* 417 Mass. 299 (Mass. 1994). See also the recent Minnesota case of *Dean Croat Construction v. Stearns County Board of Commissioners*, Court of Appeals of Minnesota, 2006 Minn. App., Unpub., LEXIS 877, July 11, 2006. In that case the court overturned a local denial of a building permit for water quality reasons, since the local government had use vague, unsupported reasons to deny the permit. Had the local Board looked at future conditions hydrology and specific reasons for concern about water quality, the result might well have been different.
- ☑ Even Better Odds if there is Flexibility in the Regulation and the Community Applies the Principle to their Own Activities.
- ☑ See, also American Planning Association (APA) *Policy Guide on Takings* adopted in 1995 as well as the suggestions from the Institute for Local Government “Tips for Avoiding Takings Claims” located on the ILG website at <http://www.ilsg.org/>.

When you consider its basic concept, as a Property Rights Protection Program, the concept of NAI has broad support. For example, the Cato Institute is a conservative think tank closely associated with the “Constitution in Exile,” the “Property Rights Movement” and other similar causes. The Institute stated that *compensation is not due when:*

“...the government acts to secure rights -- when it stops someone from polluting his neighbor...it is acting under its police power...because the use prohibited...was wrong to begin with.” “Protecting Property Rights from Regulatory Takings” (the Cato Institute, 1995, Chapter 22, p.230).

The Institute has also testified before Congress about legislation requiring government paying landowners for Regulations limiting what a property owner can do. The Institute testified that there should be provided a “...nuisance exception to the compensation requirement....When regulation prohibits wrongful uses, no compensation is required.” (Testimony of Roger Pilon, Senior Fellow and Director, Center for Constitutional Studies, Cato Institute, Before the Subcommittee on Constitution, Committee on Judiciary, US House of Representatives, February 10, 1995.)

- ⬆ So How Do We Proceed?
- ⬆ Planning
- ⬆ Partnerships
- ⬆ Planning
- ⬆ Multi-Use Mapping and Engineering
- ⬆ Planning
- ⬆ Fair Regulation to Prevent Harm
- ⬆ DHS/FEMA is embarking on a Five Year Flood Map Modernization Program.
- ⬆ As Part of that Effort there is a Cooperating Technical Partners Program.
- ⬆ Think of Other Hazard Managers With Whom to Partner on NAI, Other Partners could include: EPA Wetlands, Watershed, USGS, Others.



Local officials throughout a watershed can work together on federal legislation. Image credit: Texas Colorado River Floodplain Coalition.

So how will folks who want to fight your efforts to plan and regulate proceed? Based on what is taught to developers’ attorneys they will likely use some or all of these six approaches:

1. Bluster and Threats;
2. Allegation that the Regulator has deprived a Developer of a Constitutional Right “Under the Color of Law.” See, 42 USC Section 1983/1988; and
3. “Class of One” Allegations of Discriminatory Treatment Based on Personal Animus, or Other Inappropriate Factors;
4. Claims of State Law Violations, such as enabling legislation and open meetings acts
5. Claims of Procedural Due Process Violations
6. Claims of Substantive Due Process Violations

So, how does NAI help with Bluster and Threats? First by ensuring that the affected portions of the community are notified, and can express their concern to elected officials, and second by putting the burden on the developer to show how she will not harm others.

How does NAI help with Allegations of Depriving Someone of Property under the “color of law”? At a recent American Bar Association course, a developer’s attorney acknowledged that from a purely legal perspective, there was essentially no chance for a successful “Takings” lawsuit against hazard-based regulation. However, he said that property owners might well succeed by essentially rolling over government because States and Municipalities did not have the legal information to fight back. Now you do.

Courts are so deferential to government efforts to prevent harm that the Defendant Government or Official can easily allege that the Plaintiff and Plaintiff’s Attorney should be sanctioned for bringing a frivolous lawsuit under Rule 11 of the Federal Rules of Civil Procedure or similar State Rules; and/ or Bar Regulator Ethics Rules.

How does NAI help with Class of One Allegations? First, NAI reduces the confrontation between regulator and developer; and second NAI makes the development process a collegial problem solving effort. YOU can help this one by not reacting to threats in a way which can bite you later.

How does NAI help assure compliance with state law? Communities working to adopt and implement NAI principles should examine their enabling legislation and state open meetings acts to assure compliance in an open and inclusive planning process.

How does NAI help assure Procedural Due Process? Procedural due process imposes constraints on governmental decisions that deprive individuals of liberty or property interests within the meaning of the Due Process Clause of the Fifth and Fourteenth Amendments to the US Constitution. Procedural due process requires that a deprivation of a property interest “be preceded by notice and opportunity for hearing appropriate to the nature of the case.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); See, e.g., *Wolff v. McDonnell*, 418 U.S. 539, 557-58 (1974) (hearing required); *McVeigh v. United States*, 78 U.S. (11 Wall.) 259, 267 (1870) (right to notification and a hearing); *Baldwin v. Hale*, 68 U.S. (1 Wall.) 223 (1863) (same).

Communities working to incorporate NAI principles into their planning and development review processes should assure their citizens’ opportunity to be heard “at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). Changes to development codes, plans, or standards of review benefit from informed public participation and buy in. Additionally, when proposed development may impact adjacent or downstream neighbors, NAI principles call for their advanced notification and opportunity to voice concerns.

How does NAI help assure Substantive Due Process? Where the primary concern of procedural due process is that government officials provide public notice and opportunity to be heard, substantive due process concerns whether the government’s deprivation of life, liberty, or property is justified by a sufficient purpose. Substantive due process is a constitutionally imposed limitation designed “to prevent government from abusing its power, or employing it as an instrument of oppression.” *Norton v. Village of Corrales*, 103 F.3d 928, 932 (quoting *Sylvia Development Corp. v. Calvert County*, 48 F.3d 810, 827 (4th Cir. 1995). Violations of substantive due process may take the forms of arbitrary and capricious decisions, or those that fall beyond the standards of decency.

Courts have determined that substantive due process is violated when a government action lacks any reasonable justification or fails to advance a legitimate governmental objective. To withstand a claim that principles of substantive due process have been violated, a government action must (1) serve a legitimate governmental objective; (2) use means that are reasonably necessary to achieve that objective; and (3) not be unduly oppressive. Violation of substantive due process requires invalidation of the violating government action rather than the payment of just compensation

NAI principles reflect and provide for the government purpose of protecting life and property from poorly planned development. Additionally, NAI provides for the consistent, transparent, and equitable bases for review of all proposed development, thereby deflecting possible plaintiff assertions that governmental bias or animosity may be the true reasons for a regulatory decision.

LESSONS FOR LOCAL OFFICIALS

-  Hazard Based Regulations Are Generally Sustained Against Constitutional Challenges
-  Goal of Protecting the Public Is Afforded ENORMOUS DEFERENCE by the Courts
-  Therefore local officials should:
 - ☐ Be Confident!
 - ☐ Be Assertive Protecting the Public and the Landowner!
 - ☐ Partner With Other Hazard Regulators, such as wetlands and other health, safety programs
-  You Do Not need to be a Punching Bag!
-  Be Ready with the NAI Tools, fairly Applied!
-  There are Serious Sanctions Available for Frivolous Lawsuits!

You can follow the NAI approach and set the regulatory standards needed to protect people and property in your community. Remember, you have the law on your side.

RESOURCES AVAILABLE ON THE INTERNET

Association of State Floodplain Managers.....	http://www.floods.org/
Association of State Wetlands Managers	http://www.aswm.org/
Community Resources Counsel	http://www.communityrights.org/
Georgetown Environmental Law and Policy Institute	http://www.law.georgetown.edu/gelpi/
Institute for Local Government.....	http://www.ilsg.org/index.jsp?zone=ilsg
National Sea Grant Law Center	http://www.olemiss.edu/orgs/SGLC/lawcenterhome.htm
Pace Law School.....	http://www.law.pace.edu/landuse/landuse_library.html
Vermont Law School Land Use Institute	http://www.vermontlaw.edu/landuse/
Washington University School of Law	http://law.wustl.edu/landuselaw/

SELECTED BIBLIOGRAPHY

(Some but not all publications are cited in the report.)

- Annot., "Liability or Indemnity Insurance Carried by Government Unit as Affecting Immunity From Tort Liability", 68 A.L.R.2d 1437 (2005)
- Annot., "Validity and Construction of Statute Authorizing or Requiring Governmental Unit to Indemnify Public Officer or Employee for Liability Arising Out of Performance of Public Duties", 71 A.L.R.3d 90 (2003)
- Annot., "Validity and Construction of Statute Authorizing or Requiring Governmental Unit to Procure Liability Insurance Covering Public Officers or Employees for Liability Arising Out of Performance of Public Duties", 71 A.L.R.3d 6 (2002)
- Annot., "Liability of Government for Issuance of Permit Which Caused or Accelerated Flooding." 62 A.L.R.3d 514 (2000)
- Annot., "Liability of Municipal Corp. for Negligent Performance of Building Inspector's Duties." 41 A.L.R.3d 567 (1994)
- Annot., "Liability of Municipality or Other Governmental Subdivision in Connection with Flood Protection Measures." 5 A.L.R.2d 57 (2003)
- Annot., "Municipality's Liability Arising from Negligence or Other Wrongful Act in Carrying Out Construction or Repair of Sewers and Drains." 61 A.L.R.2d 874 (2000)
- Annot., "Municipality's Liability for Damage Resulting from Obstruction or Clogging of Drains or Sewers." 59 A.L.R.2d 281 (2005)
- Annot., "Architect's Liability for Personal Injury or Death Allegedly Caused by Improper or Defective Plans or Design," 59 A.L.R.2d 1081 (1994)
- Binder, D.B., *Legal Liability for Dam Failures*, Association of State Dam Safety Officials, Lexington, Kentucky (1989)
- Binder, D.B., *Dam Safety: The Critical Imperative*, 14 Land and Water Law Review 341 (1979)
- Bosselman, F., D. Callies, and J. Banta, *The Taking Issue*, U.S. Government Printing Office, Washington, D.C. (1973)
- Comment, *Navigable Servitude and the Right to Just Compensation*, 1980 Det. Coll. L. Rev. 915
- Falik & Shimko, *The "Takings" Nexus--The Supreme Court Chooses a New Direction in Land-Use Planning: A View from California*, 39 Hasting L.J. 359 (1988)

- Huffman, J.L., *Government Liability and Disaster Mitigation: A Comparative Study*, Lewis and Clark Law School, Portland, Ore., (1985)
- Keeton, W., D. Dobbs, R. Keeton, D. Own, *Prosser and Keeton on the Law of Torts*, 5th Ed., (1984)
- Kusler, J., *A Perspective on Flood Plain Regulations for Flood Plain Management*, U.S. Army Corps of Engineers, (EP 1165-2-304), Washington, D.C. (1976)
- Kusler, J., *Liability as a Dilemma for Local Managers*, 45 Pub. Admin. Rev. 118 (1985)
- Kusler, J., *Open Space Zoning: Valid Regulation or Invalid Taking*, 57 Minn. L. Rev. 1 (1972)
- Kusler, J. and T. Lee, *Regulations for Floodplains*, American Society of Planning Officials, Chicago, Ill. (1972)
- Kusler, J. and E. A. Thomas, *The United States Supreme Court and the Taking Issue*, Natural Hazards Observer, September 1987
- Kusler, J. and E.A. Thomas, *The Taking Issue*, Association of State Floodplain Managers (1988)
- Lawrence, *Regulatory Takings: Beyond the Balancing Test*, 20 Urb. Law 389 (1988)
- Note, *Compensation for Regulatory Takings: Finality of Local Decision-making and the Measure of Compensation*, 63 Ind. L.J. 649 (1988)
- Olshansky, R.B., and J.D. Rogers, *Unstable Ground: Landslide Policy in the United States*, 13 Ecology L. Rev. 939 (1987)
- Perkins, J.B., K. Moy, et. al, *Liability of Private Businesses in Industries for Earthquake Hazards and Losses--Background Research Reports*, Association of Bay Area Governments, Oakland, Calif. (1984)
- Peterson, *Land Use Regulatory "Takings" Revisited: The New Supreme Court Approaches*, 39 Hasting L.J. 335 (1988)
- Rabin, R.L., *Dealing With Disasters: Some Thoughts on the Adequacy of the Legal System*, 30 Stanford Law Review 281 (1978)
- Sax, J., *The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention*, 68 Mich. L. Rev. 471 (1970)
- Stone and Rinber, *Government Liability for Negligent Inspections*, 57 Tul.L.Rev. 328 (1962)
- Strauss, E. and J. Kusler, *Statutory Land Use Control Authority in the Fifty States with Special Reference to Flood Hazard Regulatory Authority*, United States Department of Housing and Urban Development, Federal Insurance Administration, Washington, D.C. (1976)
- Sutter, J.H. and M.L. Hecht, *Landslide and Subsidence Liability*, California Continuing Education for the Bar, Berkley, Calif. (1974)

Taub, *Exactions, Linkages, and Regulatory Takings: the Developer's Perspective*, 20 Urb. Law. 597 (1988), *Takings. Private Property and Public Rights*, 81 Yale L. J. 149 (1971)

Thomas, Edward A., *Liability for Water Control Structure Failure Due to Flooding*, Association of State Floodplain Managers, November 2005. Published at www.floods.org

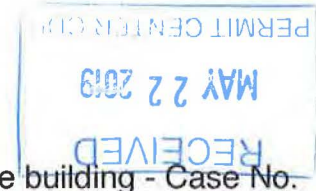
Thomas, Edward A., *Property Rights and Community Liability: The legal framework for managing watershed development*, Association of State Floodplain Managers (2007), http://www.floods.org/NoAdverseImpact/NAI_Legal_Framework_Watershed_Development_2007.pdf

Thomas, Edward A., *Overcoming Legal Challenges: A perfect storm of opportunities*, Floodplain Management Association Newsletter (May 2007), http://www.floodplain.org/pdf/May_07_Newsletter.pdf

Thurrow, C., W. Toner, and D. Earley, *Performance Controls for Sensitive Lands*, American Society of Planning Officials, Planning Rts. No. 307, 308, Chicago, Ill. (1975)

U.S. Water Resources Council, *Vol. 1,2,3 Regulation of Flood Hazard Areas to Reduce Flood Losses*, U.S. Government Printing Office, Washington, D.C. (1970, 1971, 1984)

Walker, N.E., E. Walker and T. Rohdenburg, *Legal Pitfalls in Architecture, Engineering and Building Construction*, 2nd ed., McGraw-Hill Book Co., New York (1979)



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

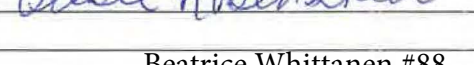
We, the homeowners at Kodzoff Acres, who own our homes and pay CBJ real property taxes, are writing to express our sincere opposition to the pending application for a conditional use permit to construct a large commercial building directly adjacent to our homes, Case No. USE 2019-0013.

We believe this facility will have an adverse effect on our real property values, will generate significant additional traffic to a comparatively sized residential development, and without considerable further study has the potential to cause severe drainage and flooding issues on our access road and on Duck Creek and our lots adjacent to it.

We own our homes, they represent our life savings, and we are entitled to the same consideration as homeowners in any other neighborhood. There is no grading plan, and there has been no evaluation of drainage and flood effects. The proposed setback to Duck Creek is a guess not a survey, the required minimum setback to our access road is misstated and the correct setback has been ignored. The drainage from this proposed facility and parking lot is not evaluated, so how can staff conclude there will be no adverse effect on property values? Lot coverage issues make no sense as this is an otherwise undeveloped and not a subdivided parcel, so how did staff evaluate lot coverage on a parcel with roads on two sides and Duck Creek on the other two sides? There is no allowance for a reasonable greenbelt and use separation to our adjacent single family neighborhood. We believe there is a lot more work to do and additional conditions imposed to protect our neighborhood interests.

Thank you.

Kodzoff Acres Mobile Home Park Residents

Unit Number	Signature	
88		SB2101030880
86		SB2101030860
#51		SB2101030510
#77		SB2101030770
	Beatrice Whittanen #88	
	George Cheatham #86	
	William Modene / Tonia Vinnedge (?) #51	
	Vickie Rosenstein #77	



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

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Thank you.

A handwritten signature in blue ink, appearing to be a stylized 'R' or 'B' followed by a flourish.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030820	2895 MENDENHALL LOOP RD #82	Rusal Carillo



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

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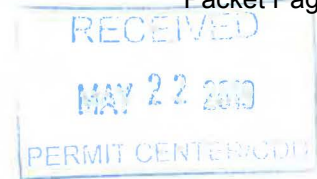
Thank you.

Ray Gabriel
RAY GABRIEL

Teresita E. Gabriel
TERESITA GABRIEL

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030620	2895 MENDENHALL LOOP RD #62	Ray Gabriel and Teresita Gabriel



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030670	2895 MENDENHALL LOOP RD #67	Faye B Delaney



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030510	2895 MENDENHALL LOOP RD #51	William Modene Tonya Vinnedge



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

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Thank you.



Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030870	2895 MENDENHALL LOOP RD #87	Emmaleen Lee

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

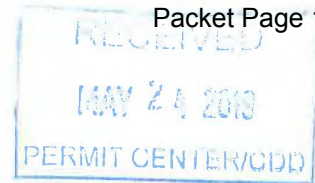
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Thank you.

[illegible]

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

[illegible]



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030520	2895 MENDENHALL LOOP RD #52	Willie Perry Jr & Kimberly Ann Perry

CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

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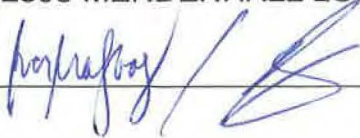
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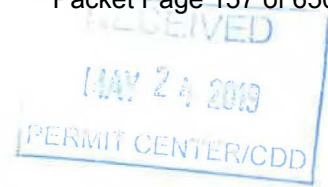
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Thank you.



Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030610	2895 MENDENHALL LOOP RD #61 	Rochelle Rotano Malbas and Relly Bautista Malbas



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

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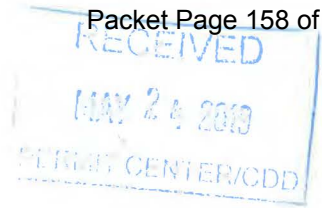
Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030660	2895 MENDENHALL LOOP RD #66	Margarita Tudtud

Margarita Tudtud

05/22/19



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030730	2895 MENDENHALL LOOP RD #73 	John Duane Modene Patricia Rae Modene



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

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Thank you.

5/22/19

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030830	2895 MENDENHALL LOOP RD #83	Lynn Almoradie Jaravata



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.
USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030890	2895 MENDENHALL LOOP RD #89	Cathlee Bantsari



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No. USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030910	2895 MENDENHALL LOOP RD #91	Kevin Bowman Penny Lindell



CBJ Planning Commission

Request for Conditional Use Permit - Commercial Club Use building - Case No.

USE 2019-0013

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Thank you.

Kodzoff Acres Mobile Home Park Resident

Parcel No.	Street address	Current Owner
5B2101030640	2895 MENDENHALL LOOP RD #64	Stephen E Bean and Anne M Tompkins

KODZOFF ACRES, LLC
d/b/a Kodzoff Acres Mobile Home Park

P.O. Box 33200, Juneau, Alaska 99803
Telephone: (907) 789-5154 · Facsimile: (907) 789-5117

May 23, 2019

City & Borough of Juneau
Planning Commission
Community Development Department
230 S. Franklin Street, 4th Floor
Juneau, Alaska 99801



Re: Juneau Condos LLC
Application For Conditional Use Permit
Case No. USE2019-0013

Attn: Planning Commission

Dear Commissioners:

We respectfully request you deny this conditional use permit application because the proposed plan will materially endanger public health and safety and substantially decrease the value of adjacent property due to shifting financial burdens regarding flood risks and drainage and failure to provide adequate screening. More importantly, this process has so far failed to apply adequate comprehensive planning processes to encourage development and provide public services to the remainder of this parcel without generating unnecessary health, safety and traffic access issues. Alternatively, we request you continue this hearing and allow the applicant to submit additional information and possible plan modifications for the Commission to correct errors and apply additional permit conditions to protect Kodzoff Acres II and individual homeowners. We cite the following concerns:

1. Drainage & Flooding Risks - Increased flooding risks to Kodzoff Acres II drainage and protection of Duck Creek watershed;
2. Traffic Management and Safety - Mendenhall Loop Rd. and Kodzoff Acres Street safety and left turn access, together with future access to undeveloped remainder of this parcel.

3. Public Utilities - Availability of public water at the proposed site and all utilities for future parcel development;
4. Screening - Green belt screening for separation of visual, noise and light pollution.
5. Legal Responsibility - Responsibilities for maintaining consistent long term use of this commercial building as a recreation facility is not specified as required by CBJ 49.15.120(a).

We will address each of these concerns with reference to attached exhibits.

Drainage and Flooding Risks

It is a the central principle of comprehensive planning and zoning as well as flood plain management that vacant land must be developed in a manner that does not substantially increase the potential flood or erosion damage on adjacent developed lands. CBJ 49.15.300(f)(1) and (2) authorize the Commission to deny a conditional use permit to prevent the transfer of flood hazards, and CBJ 49.15.330(g) authorizes the Commission to impose permit conditions to mitigate such impacts.

The project site selected by the applicant is relatively small but is the most environmentally sensitive portion of the last remaining large tract of undeveloped medium density residential land in the east valley. The proposed site is a Special Flood Hazard Area depicted on the FEMA 2017 Flood Insurance Risk Map (FIRM). For your convenient reference, Exhibit A is the full FEMA 2017 FIRM and Exhibit B is an enlarged portion showing details of the proposed site. The site is located in the blue area (Special Flood Hazard Area) immediately to the north of the street entrance to Kodzoff II, which is shown on Exhibit B as a single black line which roughly parallels Mendenhall Loop Road and Duck Creek.

The natural slope of the undeveloped ground at the proposed site slopes gently from south to north from the Kodzoff II entrance street and mailboxes toward Cinema Drive. This allows surface water during heavy rainfall to drain from Kodzoff Street. In addition, storm water runoff from the Mendenhall Loop Road and the bike path flows across the site and down the edge of Kodzoff Street and across to the site. This drainage pattern has remained constant during the 40 years since Kodzoff Acres was developed, and has remained unchanged during the past 23 years we have owned and managed the manufactured home community.

The applicant proposes to fill the site and re-grade it in an unspecified way to raise the land to protect its building against flooding and remove it from the flood plain. It's application project statement states:

"It is intended that the floor level of this Sports Center will be located above the base flood elevation for the 2017 FIRM."

We are uncertain what this means because no grading information has been provided. We believe that in order to accomplish this, a significant fill area will need to be added to the site. This is how the flood hazard risks and adverse impacts, both physical and financial, noted on the FEMA 2017 FIRM, will be transferred from the applicant's property to the adjacent Kodzoff Acres II property and each of the individual property owners there.

Kodzoff Acres II has been fully developed and located at its existing site since 1979. It was designed and approved by this Commission after a full planning process and developed to a suitable grade maintained since then. Kodzoff Acres II is an unsubsidized affordable housing community of owner occupied single story, single family residences each located on a separate 5000 square foot lot. There are 42 single family lots occupied by homeowners, each a separate CBJ real property tax parcel. According to FEMA 2017 FIRM, none of these homes is in a Special Flood Hazard Area and new replacement homes may be financed without additional homeowner costs.

Adding fill to this proposed site and for a large building with an oversize parking lot and new access road are combined actions which may dramatically change the natural drainage pattern of the site. There will be considerably less natural vegetative cover and natural sheet drainage through soils and rainwater and snow melt will instead become storm water runoff with a much higher velocity and acceleration rate, and far less natural filtration. Since the building is proposed to be directly adjacent to the Kodzoff Street, it's runoff will have no place to go, and site lot runoff at a new higher elevation will tend to drain onto our property as opposed to the current reverse pattern. In short, the applicant's Special Flood Hazard area will be transferred to our property and house lots and yards. Applicant's will derive all the benefits, Kodzoff Acres and its homeowners will be forced to absorb all the burdens and future flood risks, as well as the possible expenses of FEMA related flood insurance and funding difficulties for improvements. Providing affordable single family manufactured housing in Juneau will become more difficult, which directly conflicts with the housing goal and objectives of the CBJ Comprehensive Land Use Plan. CBJ 49.330 (d) (5) (C).

The role of proper urban planning and flood plain management is to figure out how to avoid these conflicts from occurring or prohibit such development at the initial planning stages of a project while there is full participation in the process. Moving these issues along to the building permit stage is not appropriate. This is especially important considering that the primary intended use of D-15 zoning is for residential housing and especially affordable housing, Juneau's number one housing need and priority for many years. Forcing Kodoff Acres II to incur these adverse effects, both physical and financial, not to mention the health and safety of the homeowners and their families and children, would be unconscionable especially to favor a conditional use.

It may or may not be possible for the applicant to add fill and raise the elevation of the site without fatally impacting the flood risks at Kodzoff Acres II. In order to secure a Conditional Use Permit and satisfy the Commission's legal standard of review to assure no adverse material or financial impacts to our adjacent property, the applicant must be required to engage a qualified engineer to prepare and submit a preliminary grading and drainage plan to assure no such harms will occur. This should be done now during the conditional use process to assure our full participation and input.

Traffic Management & Safety

It is important to bear in mind that this is not a traditional discrete subdivided residential lot conditional use permit process. The applicant's parcel consists of 20.5 unsubdivided acres of land. Kodzoff Acres Street has 42 existing homes with about twice that number of vehicles and guests who use Mendenhall Loop Road as its only access and the north entrance as its only bi-directional turn lane access. The proposed new highway cut would be a very short distance down the road and would clearly present unnecessary traffic conflicts and safety issues. The planning "elephant in the room" is how to best maintain safe vehicle access for Kodzoff Acres II, provide access to this site and provide for future access for about 300 homes to be developed in the future on the remaining parcel.

One logical way to solve this problem would be to reconfigure the proposed site plan, use the width of the area where the building is proposed and it's set back and facing parking as dedicated land for a future roadway across Duck Creek to the remainder of this parcel, rotate the building 90 degrees and site it facing Duck Creek and then reconfigure the parking and eliminate the need for the second highway cut. (Exhibit C) In the long run, this would provide a dedicated public right of way of sufficient width to accommodate future significantly greater traffic needs,

and in the short term a needed screening green belt. During the short term period, Kodzoff Acres and the applicant could work out an equitable arrangement for use of Kodzoff Street. This would reduce the applicant's development costs, allow for snow management for both parties, and provide a well preserved buffer and area for future roadway development.

A well developed bridge over Duck Creek at this general location will facilitate vehicle and sewer access across Duck Creek. It might also work to help solve future drainage and flood mitigation problems on Duck Creek and along the shared property boundary between the applicant's parcel and Kodzoff Acres I & II. It would also put ADOT on notice about planned future access to applicant's parcel and anticipated traffic volumes as it is currently working on a highway improvement plan for Mendenhall Loop Road. A triumph for successful planning and cooperation.

Unfortunately, so far in this planning process, the traffic and circulation analysis conducted totally ignores the combined effect of this proposed additional highway driveway cut with Kodzoff Acres II's exiting vehicular use pattern. It also failed to consider probable future development of the remainder of applicant's parcel. This type of incomplete, incremental planning is a certain formula for disadvantaging existing uses without encouraging and fully benefitting future residential development. We respectfully request the Commission hold this permit process in abeyance until its next meeting and direct staff to meet with the applicant and Kodzoff Acres to better consider vehicular access alternatives to this site and future development of the remainder of its parcel.

If, on the other hand, the applicant or CBJ have other plans for vehicle and utility access to the applicant's entire parcel, now would certainly be a good time to discuss those plans. CBJ is constantly trying to figure out how to encourage the development of affordable housing without really considering the land that is already available and within the valley core but not well served by existing city streets and utilities. This change in ownership of this property may allow the community to improve on that process.

Public Utilities

Although the applicant represented in their application that it intended to use public water and sewer at the site, there is no public water main on the west side of Mendenhall Loop Rd. at the site. This oversight is critical to the development of this site for both potable water and fire protection. This issue has not been investigated by staff nor addressed in this conditional use permit process

CBJ water to the applicant's parcel is another a good example of how CBJ housing policy has failed to address utility deficiencies in our existing system as an impediment to affordable housing development. Our water supply for Kodzoff II is from a dead end main at the south end of Kodzoff II. Water main dead ends reduce pressure, loops equalize pressure. The applicant benefits from a water utility easement across Kodzoff II from this location to it's parcel, but there would likely be insufficient volume or pressure from this location to service 300 new homes on the remainder of it's parcel unless the future line was looped up to the main on Cinema drive or elsewhere. There is no water main continuing north along the west side of the Mendenhall Loop Road adjacent to applicant's site or available to the remainder of the parcel. We believe nearest other water main is on Cinema Drive.

The CBJ water system would greatly benefit if these two mains were connected to form a loop. Pressures would equalize and this would also greatly benefit the applicant's future residential development. The Commission should hold this matter in abeyance until the next meeting and direct the Community Development director to meet the CBJ Water and Sewer utility staff and the applicant to discuss its future development plans for the entire parcel and how to best meet its needs in the most cost effective way.

Screening and Green Belt

Aside from drainage and access, there are issues regarding the negative effect of a commercial building regardless of it's use so close to a much lower density existing residential neighborhood. Over the years, consistent with the original plan approval for Kodzoff II, we have maintained an intact green belt along Mendenhall Loop Road to reduce noise, avoid light pollution and filter highway runoff to protect Duck Creek. It also provides a beautiful green belt along Mendenhall Loop Road enjoyed by the residents and the million or so visitors who enjoy the Glacier each summer.

We believe, based on our 23 years of residential real estate experience, including manufactured home sales in Kodzoff Acres, that this new commercial recreation development, without adequate screen, will depress the marketability of adjacent residences. One of the nicest homes in Kodzoff II is just across the street from the proposed building. There has been no provision for a screening green belt between the building and Kodzoff II along our street, and nothing proposed to replace the existing trees along Mendenhall Loop Road. The vegetative cover requirement for D-15 is the highest residential 30% standard, but it only helps maintain the

residential character of the neighborhood and protect adjacent property values if it is distributed inbetween these conflicting uses. Merely judging the issue on a whole parcel basis as was done here is absurd.

We believe in order to mitigate visual, noise and light impacts, at least a 25 foot screening green belt of mature vegetation should be required along the Applicant's property running between Duck Creek and Mendenhall Loop Road parallel to Kodzoff Street and along the bike path north to the new roadway cut. We also note that the applicant incorrectly states the side lot setback along our privately maintained access street (Kodzoff Street) as 5 feet, but it should be 13 feet. A side lot setback along a street (public or privately maintained) is 13 feet. This should be considered a minimum in addition to the green belt. Again, it is important to note that this is not a small lot development but the adjoining edge of what will, hopefully, become a major D-15 residential development.

Legal Responsibility

CBJ 49.15.120(a) requires that an applicant for a conditional use permit submit evidence of authority that upon issuance of the permit it has the authority and will take legal responsibility to assure the permit conditions are maintained in perpetuity. In this matter, the principle issue is the allowed recreational use of the property as compared to a club meeting hall or fraternal association or other commercial activity which would be prohibited in D15 zoning and not eligible for a conditional use permit. Here there are at least three separate parties shown in the paperwork, Juneau Condos, LLC, Constellation Development and Juneau Youth Wrestling Club. In addition, there is some suggestion fund raising will be needed to secure funding for the project and the sources of those funds and any lender may have a legal interest as well. We believe the Commission should direct staff to determine which legal entity will be responsible for permit conditions and maintenance once the project is in use with appropriate evidence of authority to enforce those conditions in the future.

Summary and Recommendations

Before any decisional action is taken on this request for a conditional use permit, we believe the following actions must be taken:

1. Applicant must engage a qualified engineer to prepare and submit a preliminary grading and drainage plan to be reviewed by staff and made available to Kodzoff Acres for comment to assure no adverse flood risks and drainage

will be transferred to its property or the property of homeowners.

2. Instruct the Community Development director to meet with the applicant and Kodzoff Acres and ADOT to better consider vehicular access alternatives to this site and future development of the remainder of its parcel.
3. Instruct the Community Development director to meet the CBJ Water and Sewer utility staff and the applicant to discuss its future development plans for the entire parcel and how to best meet its needs in the most cost effective way.
4. Require a condition in the permit, if granted, to require a 13 foot side lot setback and in addition at least a 25 foot screening green belt of mature vegetation along the Applicant's property running between Duck Creek and Mendenhall Loop Road and along the bike path north to the new roadway cut.
5. Instruct the Community Development director to determine which legal entity will be responsible for permit conditions and it's maintenance once the project is in use with appropriate evidence of authority to enforce those conditions in the future.

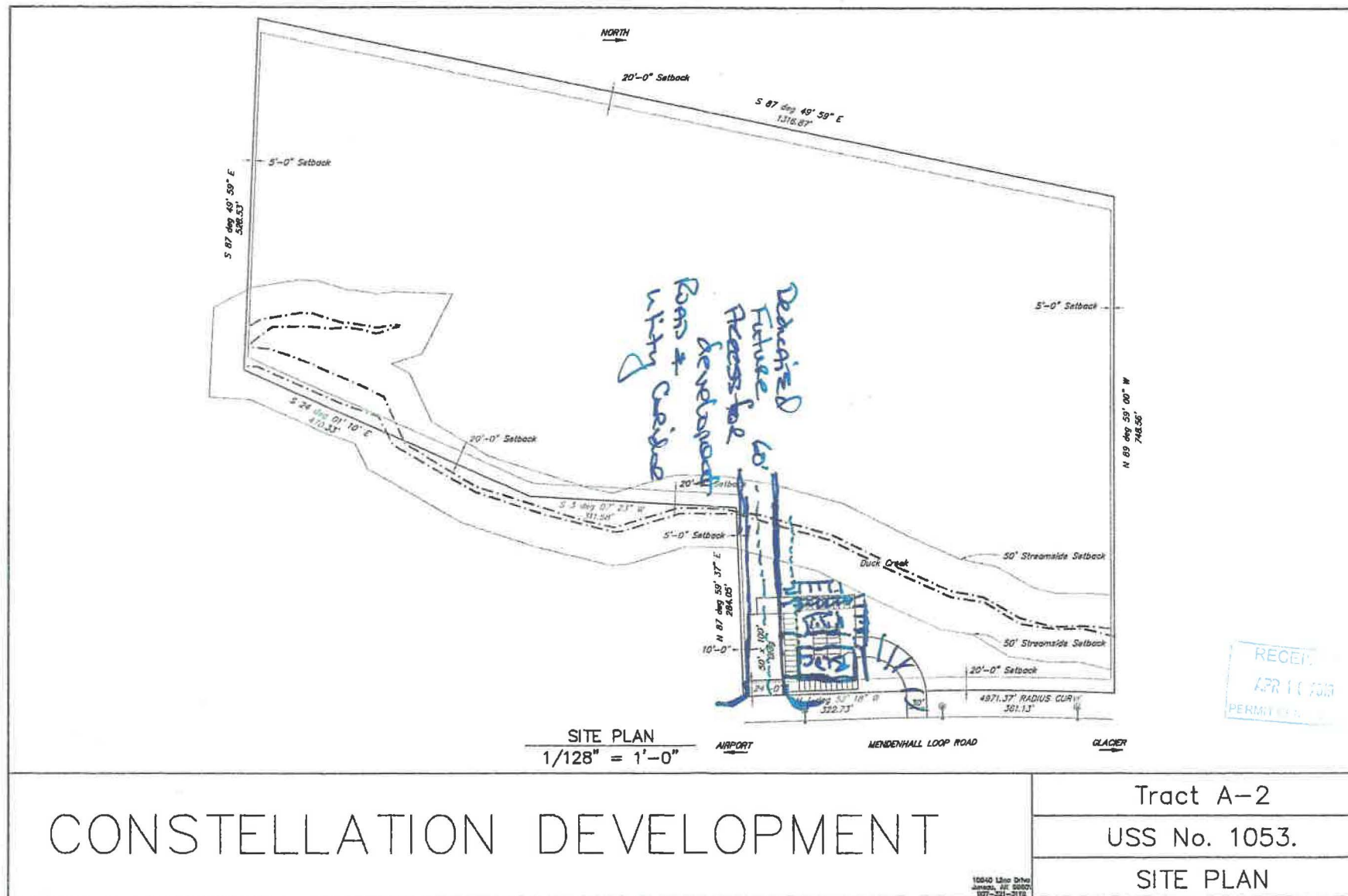
Thank for for your consideration.

Best regards,

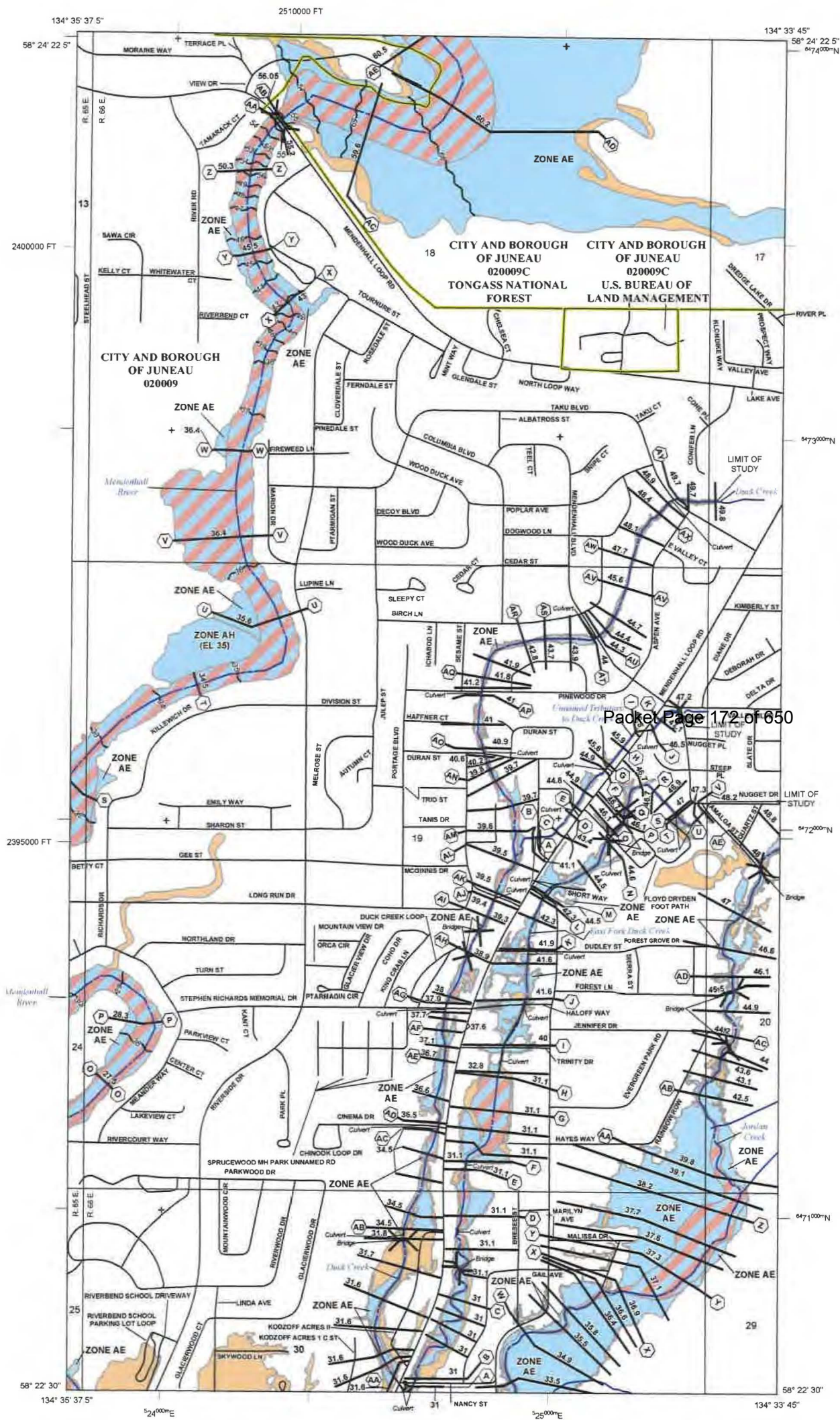
KODZOFF ACRES, LLC


Chuck Cohen
Managing Member

Exhibit C



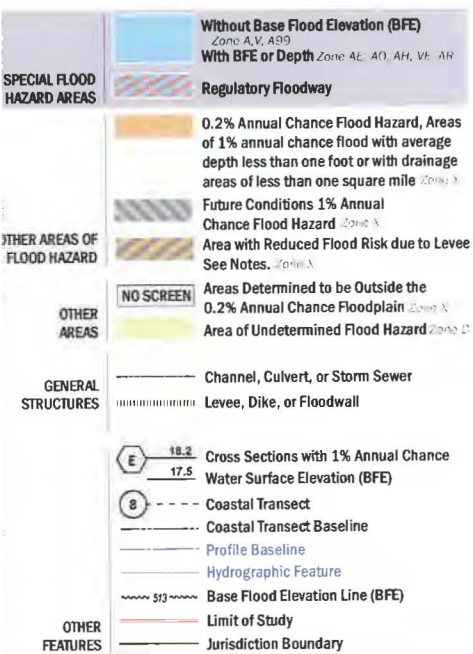
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APR 10 2000
PERMIT DIVISION



Packet Page 172 of 650

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTP://MSC.FEMA.GOV](http://MSC.FEMA.GOV)



NOTES TO USERS

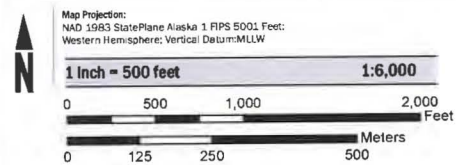
For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at <http://msc.fema.gov>. Available products may include: previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

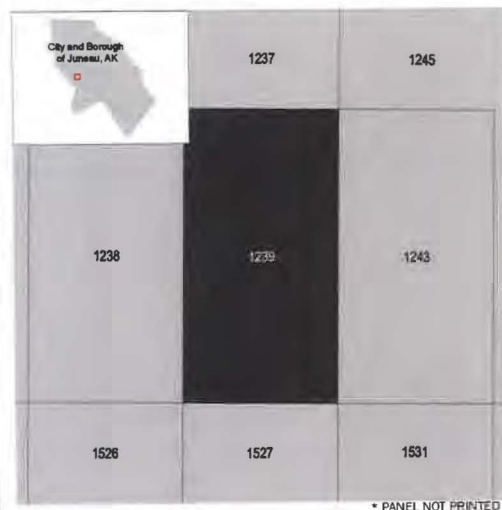
For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction. To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was provided in digital format by the City and Borough of Juneau, Alaska Department of Natural Resources (AK DNR), Bureau of Land Management (BLM), U.S. Forest Service, and the United States Geological Survey (USGS). This information was compiled at various map scales during the time period 1967-2016. Other information was derived from digital orthophotography at a 6-inch resolution from photography dated 2013.

SCALE



PANEL LOCATOR



* PANEL NOT PRINTED

FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

CITY AND BOROUGH OF JUNEAU, ALASKA

PANEL 1239 of 2700

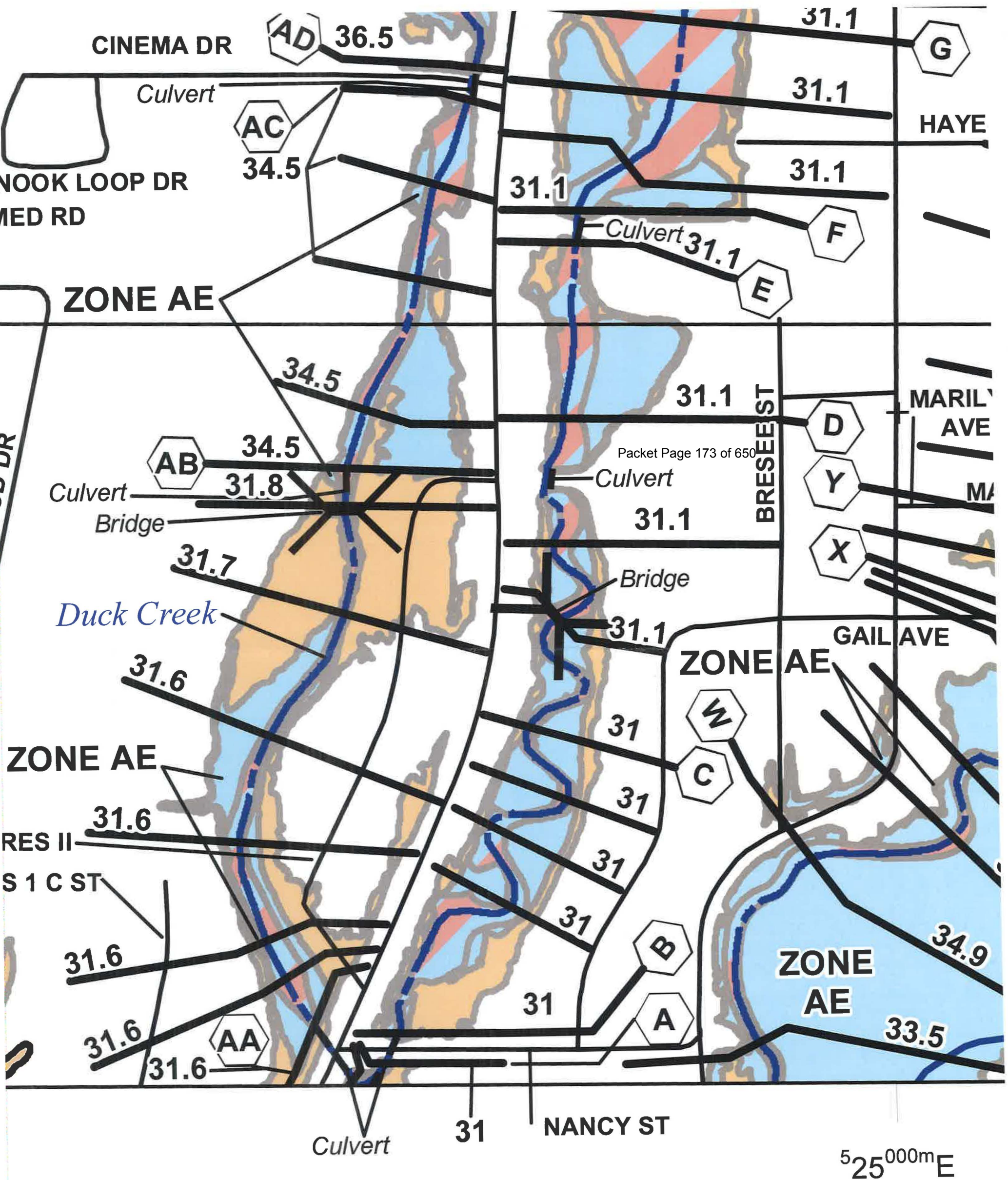
Revised Community

COMMUNITY NUMBER PANEL SUFFIX

JUNEAU, CITY AND BOROUGH 020009 1239 E

PRELIMINARY
8/25/2017

VERSION NUMBER
2.3.3.4
MAP NUMBER
02110C1239E
MAP REVISED





(907) 586-0715
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155 S. Seward Street • Juneau, AK 99801

DATE: May 24, 2019

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the 'FROM' line of the memo.

FILE NO.: CSP2018 0012

PROPOSAL: Planning Commission review of Fiscal Year 2020 Capital Improvement Program.

ATTACHMENTS

Attachment A – FY2020 Capital Improvement Program project list – Resolution 2845(c)
Attachment B – November 15, 2017 Memorandum from Planning Commission to CBJ Public Works and Facilities Committee re: Fiscal Year 2020-2025 Capital Improvement Program

INTRODUCTION

The City and Borough of Juneau prepares a revised Six-year Capital Improvement Program (CIP) each year. The CIP guides the investment of public funds for maintenance, repair, construction, and acquisition of public infrastructure, facilities, and equipment. The CIP is presented to the Assembly in April, along with the draft fiscal year (FY) budget, and includes the City Manager's recommended project priorities for FY 2020.

The Land Use Code establishes the role of the Planning Commission in the CIP process under CBJ 49.10.170 which states:

49.10.170(b) Review of the Capital Improvements Program. Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the Assembly.

The purpose of the Planning Commission review is to ensure the CIP is consistent with the goals of the Comprehensive Plan.

Planning Commission
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May 24, 2019
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During the Director's Report at the October 23, 2018, Regular Planning Commission meeting, the Commission was asked to review and provide early input into the CBJ CIP. The Commission decided to allow the Chair to form a sub-committee to write a draft memorandum on the topic. On November 7, 2018, four members of the Commission met at a special meeting to draft a memorandum regarding the Planning Commission's recommendations for the CBJ CIP. The Commissioners present were Mr. Haight, Mr. Voelckers, Mr. LeVine, and Mr. Campbell. Steve Behnke from the Juneau Commission on Sustainability (an Assembly-appointed commission) and Planner Tim Felstead were also present.

At a Committee of the Whole meeting on November 13, 2018, the Commission had a discussion with the Director of CBJ Engineering and Public Works, Mike Vigue, on the CIP process. Attached is a memorandum from the Commission sent to Mr. Vigue.

As a new part of the Planning Commission review process, Mr. Vigue came back to the Commission on February 19, 2019 when the draft CIP list for FY2020 was first presented to the Assembly Public Works and Facilities Committee. This was an opportunity to discuss how the Commission's recommendations have been addressed and for public input into the draft CIP. It is also worth noting that other committees and boards also provide opportunity for the public to comment on some department's CIP projects (e.g. Parks and Recreation Advisory Committee, Docks and Harbors Board).

The Planning Commission identified four broad categories of potential capital improvements that are relevant to its review authority:

- Housing;
- Community Vitality;
- Transportation; and
- Sustainability

ORGANIZATION OF THE CIP

The CIP list offers important information for the various capital improvement projects recommended for funding in FY2020 and planned for future years through FY2025. This memorandum addresses the FY2020 CIP list as presented as a near final draft to the Assembly Finance Committee in May 2019 (see Resolution 2845(c) in Attachment A). The final version being passed to the Assembly (Resolution 2845(d)) for approval was not available at the time of writing this memorandum. Staff understands this latter memorandum has no significant changes from the version reviewed here.

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The City Manager recommends CIP priorities to the Assembly according to the following criteria:

Support. Are the projects a high priority of the Department or Committee proposing it, as well as the general public?

Consistency. Are the projects consistent with applicable CBJ plans or policies?

Health and Safety. Will the improvement address an imminent or expected threat or danger to users or occupants?

Maintenance or Repair of Existing Property. Will the projects prevent further deterioration or damage to property?

Local Match for Federal/State Grants. Are funds required to match federal or state capital project funds?

Maintenance Impact. Will the improvement or projects increase efficiency and reduce on-going operating costs?

Economic Development Stimulus. Will the improvement directly or indirectly stimulate beneficial economic development in the community?

Anticipated Need. Will the projects enhance or expand an existing facility or service to accommodate increased public use?

Recreational. Will the projects establish, enhance or expand a facility or service to accommodate new or increase public use?

Funding Alternatives. Will there be funding alternatives explored for each project?

The Draft FY2020 resolution is organized into sections that are summarized below.

FY2020 General Sales Tax Improvements: Includes projects that were funded under a five year, voter-approved, 1% temporary sales tax. Funds must be split 1% for police, fire, street maintenance, snow removal, EMT/ambulance services, parks and recreation, libraries and other general purposes; 1% for roads, drainage, retaining walls, sidewalks, stairs, and other capital projects; and 1% for water and sewer system extensions, an emergency budget reserve, youth activities, and other general public services.

FY2020 Area Wide Sales Tax Improvements: The table lists the specific projects recommended for funding under area wide sales tax and the amount of funding provided to each improvement in FY2020.

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Temporary 1% Sales Tax Improvements: A voter-approved, temporary 1% sales tax, effective October 1, 2013, through September 30, 2018, was more recently approved again effective October 1, 2018 through September 30, 2023. This section of the CIP lists the capital improvements the Manager is recommending to be funded under this temporary tax in FY2020.

FY2020 Marine Passenger Fees: Includes the projects funded by the voter-approved, five-dollars-per-passenger tax for cruise ship passengers. The charges are appropriated to address the impacts caused by the marine passenger ship industry. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this tax and the amount of funding provided to each improvement in FY2020.

FY2020 State Marine Passenger Fees: Five dollars per passenger comes from Alaska's cruise ship passenger fee, passed by a citizens' initiative in 2008 and revised in 2010. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this program and the amount of funding provided to each improvement in FY2020.

FY2020 Water Enterprise Fund: This fund was established to account for the CBJ's water utility operations. The CBJ's water utility provides potable water for the majority of the City and Borough residents residing within the roaded service area. The water utility is largely self-supported through user service fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Water Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY2020 Wastewater Enterprise Fund: This fund was established to account for the activities of the CBJ's wastewater treatment operations. The sewer utility provides for wastewater treatment facilities for most of the populated roaded areas. The sewer utility fund is largely supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Sewer Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY 2020 Harbors Enterprise Fund: This fund was established to account for the activities of CBJ's Docks and Harbors. The Docks and Harbors Department exists to plan, develop, and manage CBJ's marine-related property and facilities. To this end, the Board develops and provides services to promote and accommodate marine related commerce, industry, fisheries, recreation, and visitors. The Docks and Harbors enterprise fund is financially supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Docks and Harbors Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY2020 Lands Fund: Land Fund into which most of the revenues from the sale or lease of land are to be deposited (except for properties of enterprise funds such as the Airport or Docks and Harbors). The Lands Fund is intended to provide revenue required for the subdivision, development, and disposal of CBJ lands as well as other costs of managing CBJ property. Additionally, the Land Fund is the source of money used to acquire properties needed for public

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purposes which are not funded by an enterprise account or CIP account. This section of the CIP identifies the capital improvement recommend by the City Manager to be funded by the Lands Fund and the amount of funding in FY2020.

Unscheduled Funding: Furthermore, there are three categories of “unscheduled” funding. Unscheduled requests are appropriations from enterprise entities (water, sewer, Bartlett Hospital, Airport, Eaglecrest etc.) that do not happen as part of the CIP, but are identified as priorities that are proposed to be undertaken beginning FY2019 and are dependent on other unsecured funding sources. As sources are secured, requests to appropriate them to the projects will be made.

CONSISTENCY WITH 2013 CBJ COMPREHENSIVE PLAN

The CIP fulfills several purposes. It is a planning document that organizes and schedules projects and activities. It is a statement of budgetary policy that directs funds toward priorities. It is an investment guide that portrays the physical infrastructure and other improvements that support commerce and community.

The Comprehensive Plan addresses capital improvements in Chapter 18, *Implementation and Administration*. Standard Operating Procedure 18.1 SOP1 states:

Evaluate all ordinances, plans, capital improvement and public programs to ensure their consistency with the Comprehensive Plan. For specific land use or permit applications, require the applicant, whether a public agency or a private property owner, to demonstrate compliance to each applicable policy or provide evidence why an exception to a policy is warranted. Incorporate statements regarding compliance/non-compliance with Policies into findings of fact that provide the legal basis for determining approval or disapproval of a development application. (Emphasis added.)

Policy 18.6 states:

To develop a six-year capital improvement program to implement the Comprehensive Plan by coordinating urban services, land use decisions, and financial resources and to provide adequate funding for capital improvements to ensure the policies, standard operating procedures, development guidelines, implementing actions and subarea guidelines of the Comprehensive Plan are implemented.

Further Implementing Actions:

18.6 SOP1 states:

Prepare an annual Six-year Capital Improvement Program. Request that CBJ departments, the public, and policy bodies nominate potential capital improvement projects from a

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variety of sources including the Comprehensive Plan and suggestions of resident and special interest groups, CBJ officials, advisory commissions and others.

18.6 SOP2 states:

CDD staff will analyze each CIP project list for conformity with the Comprehensive Plan.

It is this last implementing action that is the focus of this review. The purpose is to determine if the proposed projects of the FY2020 CIP support the policies and implementing actions of the Comprehensive Plan.

Comprehensive Plan policies and implementing actions that support the FY2020 CIP list are:

Policy 2.1 Sustainability

To build a sustainable community that endures over generations, and is sufficiently farseeing and flexible to maintain the vital and robust nature of its economic, social, and environmental support systems.

Policy 2.2 Sustainability

To model sustainability through its operations, practices, and projects.

Policy 4.1 Housing

To facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents.

Policy 4.5 Provision of Public Facilities

To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas of the CBJ.

Policy 5.1 Economic Development

To develop and sustain a diverse economy, providing opportunities for employment for all residents.

Policy 5.2 Downtown Juneau

Through a cooperative effort with the State of Alaska, to plan for and support development of an attractive setting, facilities, and other services to enhance the State Capitol, and strive to provide an atmosphere conducive to good leadership in the State, accessible to and supportive of all people of the State of Alaska.

Policy 5.3 Downtown Juneau

To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and

entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.

Implementing Action 5.3.IA3 (in part): *Facilitate the pedestrian usage of Downtown physical improvements, Land Use Code amendments or other programs or initiatives which could include: B. Extend the waterfront seawalk.*

Policy 5.5. Downtown Juneau

To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.

Policy 5.6 Tourism and Visitors

To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural and cultural attractions for local citizens and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.

Implementing Action 5.6IA3: *Work with representatives from the cruise line industry, private developers, Juneau Convention and Visitors Bureau, and other tourism-related businesses to plan and develop additional or improved moorage and berthing facilities, including additional lightering and short-term moorage facilities.*

Standard Operating Procedure 5.6.SOP4: *Support Eaglecrest as a regional recreation and tourist facility.*

Policy 5.9 Port Facilities

To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities.

Policy 5.14 Seafood Industry and Commercial Fishing

To support the development and expansion of the seafood industry and of services and facilities that benefit commercial fishing activity and to attract and retain harvesters, processors, and sustainable aquaculture activities in Juneau.

Policy 6.4

To provide cost-effective and energy efficient facilities, systems and infrastructure that strengthens Juneau's role as the State Capital.

Policy 6.5 Energy Efficiency

To incorporate technologies and operating practices that will promote efficient and cost effective energy use into all of its new and existing buildings and energy-using projects.

Standard Operating Procedure 6.5SOP1: *Replace inefficient street lighting and lighting in CBJ buildings and facilities upon replacement cycle.*

Implementing Action 6.5-IA5: *Continue to incorporate LEED-Juneau principles and standards when designing public structures and facilities, with appropriate fuel cost sensitivity analyses over the long term life of the Project.*

Implementing Action 6.5-IA6: *When designing new facilities or major renovation of CBJ-owned facilities, analyze life-cycle costs of energy applications, and use that analysis to guide future development.*

Implementing Action 6.5-IA7: *Analyze the workings of the CBJ water and wastewater facilities and incorporate energy saving methods and technologies where appropriate.*

Policy 6.6. Increased Share of Renewable Energy

To maximize the ratio of local, renewable-source energy to imported fossil-source energy in Juneau's internal energy economy.

Policy 6.10 Energy Efficient Buildings

To encourage cost effective, energy efficient building and remodeling practices.

Policy 6.11 Energy Use

To encourage industrial and commercial users to be as efficient as possible in their use of energy; to use renewable energy sources and to make energy by-products available for use elsewhere in the community.

Policy 7.3 Riparian Habitat

To protect riparian habitat, including stream corridors and lake shorelines, from adverse effects of development and to provide a higher level of protection for non-urban shorelines in public ownership.

Policy 7.7 Water Quality

To protect, maintain and improve surface water, groundwater and marine water quality in its jurisdiction so that all waters are in compliance with federal and state water quality standards and continue to allow aquatic life to thrive.

Policy 7.9 Air Quality

To continue educational programs, capital improvement projects, and regulatory measures to protect and improve air quality.

Policy 7.16 Gravel Resources

To conserve and protect known gravel deposits and to protect them from conflicting land uses.

Policy 8.1 Airport

To promote and support aviation safety; to develop and maintain airport facilities meeting the aviation transportation needs for the CBJ, its residents, visitors, and commerce; and to work with the public and private sectors to facilitate commerce, economic development, and access to Alaska's capital city.

Policy 8.3 Marine Transport

To promote and facilitate marine transport systems and to provide facilities to transport cargo, vehicles, and passenger transportation, commercial fishing industries, and recreational water travel.

Policy 8.4 Regional Transportation System

To support the improvement of transportation facilities and systems that reinforce Juneau's role as the capital city of Alaska, and a regional transportation and service center.

Policy 8.5 Local Transportation System

To promote a balanced, well-integrated local multi-modal surface transportation system that provides safe, convenient and energy-efficient access and transport for people and commodities.

Standard Operating Procedure 8.5-SOP1: *Provide a safe, convenient, reliable and low-cost public transit and rapid transit system within the Urban Service Area to ensure that within that area, everyone has the ability to access work, school, services, shopping and leisure activities by public transit, with stops located so as to be within ½ mile of each other along routes.*

Implementing Action 8.5 – IA6: *To reduce the demand for land-consuming parking spaces, reduce use of fossil fuels, and encourage the use of public transit, the CBJ*

government and community should urge downtown federal, state, and local government agencies, as well as private-sector employees to participate in a Coordinated Downtown Transportation Management Program managed by CBJ staff or a third party. The program could include, but would not be limited to, the following features:

D. Convenient and free parking for car- and van-pool vehicles, preferential parking for car-sharing, electric, hybrid and other alternate fuel-powered or multiple-user vehicles;

E. Instituting residential parking programs to discourage commuting motorists from long-term on-street parking in residential neighborhoods;

F. Satellite parking within shuttle distance to major destinations in downtown Juneau;

G. Working with the State of Alaska to allow off-hour parking in state employee parking facilities and lots to ease evening and weekend event parking congestion;

H. Increasing parking enforcement, as nearly all of these parking-related actions require enforcement or they will be of minimal utility;

Policy 8.6 Alternative Transportation

To promote and facilitate transportation alternatives to private vehicles as a means of reducing congestion and air pollution and the consumption of fossil fuels, and to provide safe, and healthy means of transportation to all people.

Development Guideline 8.6.DG1: *Require sidewalks and bicycle paths or lanes along existing or newly constructed arterial and collector streets where appropriate, and provide or work with DOT to provide such amenities along existing roads to provide safe and healthy means of transportation to all people.*

Policy 9.1 Parks and Recreation

To provide quality dispersed outdoor recreational opportunities; and to acquire and develop sufficient local parks and recreational facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas which lack adequate parks and recreation facilities.

Standard Operating Procedure 9.1SOP3: *Pursue funding for acquisition and development of parks and recreation facilities through traditional funding mechanisms such as the CBJ Capital Improvements Program, State Legislative process,*

and Federal funding opportunities; maximize the use of federal and state matching funds; investigate creative and innovative funding mechanisms for the acquisition and development of parks, facilities, trails, and programs; explore cooperative management agreements, joint ventures, private/public partnerships or other protocols to facilitate progress.

Policy 9.2 Parks and Recreation

To develop and maintain an interconnected non-motorized trail system that is complementary with, and may be contiguous with, unfragmented fish and wildlife corridors along anadromous fish streams within the roaded area that provides fish and wildlife and human access to the sea from the uplands.

Policy 12.1 Public Facilities

To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas within the urban service area.

Policy 12.2 Public Facilities

To extend public water, sewer and storm drainage, and earth retention facilities to all areas within the urban service area.

Policy 12.4 Public Facilities

To facilitate the reduction of waste materials generated and disposed by households and businesses through promotion of an aggressive solid waste diversion and program including activities facilitating waste prevention, reuse and recycling.

Policy 12.5 Public Facilities

To promote efficient, safe, convenient, cost-effective and environmentally sound methods for the disposal of solid and hazardous waste.

Policy 13.1 Police Protection

To provide adequate and efficient police protection for the community.

Policy 13.2 Fire Protection and Emergency Services

To provide adequate and efficient fire protection and field emergency medical care for all. It is further the policy of the CBJ to maintain an incident response organization to effectively respond to large scale events and disasters.

Policy 13.3 Medical Services

To promote quality medical and social services in the CBJ to ensure the safety, health, well-being and self-sufficiency of its residents.

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Policy 14.1 Schools

To provide a strong system of high quality public education to enable all students to become well educated, informed residents who understand and appreciate diverse cultures and who are equipped to pursue further education and compete successfully in the work force.

Policy 17.2 CBJ Land Disposal

To hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.

The projects in the CIP can be linked to policies in the Comprehensive Plan, and the CIP can be characterized as a tool that aids in implementing the plan. The table below only evaluates projects that have funding requested for FY2020. The fifth column was added with the purpose of showing which of the broad categories established by the Commission the project fits.

DEPARTMENT	Division	Priority	Project	Consistency with Comp Plan	PC Category
Administration	Manager's Office	1	Enterprise Computer System Upgrade	Policy NA	N/A
		3	Eaglecrest Financial Sustainability Plan	Policy 5.6, 9.1	Community vitality
		8	JPD Facility Security Upgrades	Policy 13.1	Community vitality
		9	Hagevig Training Center Improvements	Policy 13.2	Community vitality
		4	Juneau Renewable Energy Strategy (JRES) Implementation	Policy 6.10, 6.11, 7.9	Sustainability
		1	IT - Infrastructure Upgrades	Policy NA	N/A
		2	Affordable Housing Fund	Policy 4.1, 4.2	Housing
		5	Senior Housing Land	Policy 4.6	Housing
		6	State Parking	Policy 5.2, 5.5	Transportation
		7	City Hall	Policy 5.3, 12.1	Community vitality

Airport		1	Departure Lounge Secured Exit Lane	Policy 8.1, 8.4	Transportation
		2	Taxiway A Rehabilitation	Policy 8.1, 8.4	Transportation
		3	Taxiway E Realignment (Geometry)	Policy 8.1, 8.4	Transportation
		4	Taxiway D-1 Relocation (RIM)	Policy 8.1, 8.4	Transportation
		5	26 MALSR (FAA F&E Project)	Policy 8.1, 8.4	Transportation
		6	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	Policy 8.1, 8.4	Transportation
BRH		1	Hospital Drive Paving - Admin to Juneau Med Center	Policy 12.1, 13.3	Transportation
		2	Crises Stabilization	Policy 13.3	Housing

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DEPARTMENT	Division	Priority	Project	Consistency with Comp Plan	PC Category
Docks & Harbors	Docks		Seawalk Major Maintenance	Policy 5.6, 5.9, 9.1	Transportation
			Seawalk Permitting/Planning/Design	Policy 5.6, 5.9, 9.1	Transportation
			Security Checkpoint Queuing Structure Phase II	Policy 9.1	Transportation
			Large Berth Shore Power Preliminary Design & Cost Estimate	Policy 6.6, 7.9	Transportation
			Statter Harbor	Policy 5.6	Transportation

Docks & Harbors	Harbors	1	ADOT Grant - Aurora Harbor Rebuild - Phase III	Policy 8.3	Transportation
		2	ADOT Grant - Anode Installation - Harris Harbor	Policy 8.3	Transportation
		4	ACOE Grant - Statter Breakwater Feasibility	Policy 8.3	Transportation
		2	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	Policy 8.3	Transportation
			Amalga Harbor Infrastructure	Policy 8.3	Transportation

Eaglecrest		1	Deferred Maintenance /Mountain Operations Improvements	Policy 5.6, 9.1	Community vitality
		2	Magic Carpet Grant Funding	Policy 5.6, 9.1	Community vitality

Lands & Resources		1	Pederson Hill Subdivision	Policy 4.1, 4.5, 4.6, 17.2	Housing
		1	Pederson Hill Phase II	Policy 4.1, 4.5, 4.6, 17.2	Housing
		2	West Douglas Pioneer Road Extension	Policy 3.4	Transportation
		3	Pits and Quarries Infrastructure Maintenance and Expansion	Policy 7.16	Community vitality

Parks & Recreation	Bldg Maintenance	1	Deferred Building Maintenance	Policy 6.5, 6.10, 9.1	Community vitality
	Park/Rec Areas	1	Park & Playground Deferred Maintenance and Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	1	Parks and Playgrounds Improvements and Deferred Maintenance	Policy 9.1	Community vitality
	Park/Rec Areas	2	Sports Field Resurfacing & Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	3	Capital School Park Repairs and Playground Replacement	Policy 9.1	Community vitality
	Park/Rec Areas	5	Amalga Meadows Public Use Cabin Grant Request JCF	Policy 9.1	Community vitality
	Park/Rec Areas	5	Amalga Meadows Public Use Cabin Grant Request Rasmussen	Policy 9.1	Community vitality
	Park/Rec Areas		Augustus Brown Pool Deferred Maintenance	Policy 9.1	Community vitality
	Park/Rec Areas		Chicken Yard Park	Policy 9.1	Community vitality
	Trail Maintenance	1	Trail Maintenance	Policy 9.1, 9.2	Community vitality
	Bldg Maintenance	1	Deferred Building Maintenance	Policy 6.5, 6.10, 9.1	Community vitality
	Park/Rec Areas	1	Park & Playground Deferred Maintenance and Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	1	Parks and Playgrounds Improvements and Deferred Maintenance	Policy 9.1	Community vitality

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	Park/Rec Areas	2	Sports Field Resurfacing & Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	3	Capital School Park Repairs and Playground Replacement	Policy 9.1	Community vitality

Public Works and Engineering Department	Capital Transit	1	Bus Shelters Improvements	Policy 8.5, 8.6	Transportation
	Capital Transit	2	Design Power Upgrades for Electric Buses	Policy 6.6, 8.5, 8.6	Transportation
	Capital Transit	3	Construction of Valley Transit Center - Grant Match	Policy 8.5, 8.6	Transportation
	Engineering	1	EV (Electric Vehicle) Charging Infrastructure	Policy 6.6, 7.9	Sustainability
	Engineering	2	Contaminated Sites Reporting	Policy 7.7	Sustainability
	Recycleworks	1	Waste - RecycleWorks Waste Diversion Program	Policy 12.4, 12.5, 12.6, 12.8	Sustainability
	Street Maintenance	1	Pavement Management	Policy 7.9, 12.1	Transportation
	Street Maintenance	2	Sidewalk & Stairway Repairs	Policy 8.6	Transportation
	Street Maintenance	3	Areawide Drainage Improvements	Policy 7.7, 12.2	Sustainability
	Street Maintenance	4	Security System at 7 Mile Shop Yard	Policy NA	N/A
	Street Maintenance	5	Capital Avenue Willoughby to Ninth	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	6	Hospital Drive	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	7	Calhoun Ave Main to Gold Creek Phase I	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	8	Mendenhall Boulevard - Poplar to Columbia	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	9	Savikko Road	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	10	Aspen Avenue (Mendenhall to Taku)	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	11	River Road Paving LID	Policy 7.7, 7.9, 8.6, 12.1	Transportation
	Street Maintenance	12	Gold Creek Flume Repairs	Policy 9.1, 12.1, 12.3	Community vitality
	Wastewater Utility	1	Mendenhall Treatment Plant (MWWTP) Pretreatment Improvements	Policy 12.1	Community vitality
	Wastewater Utility	2	MWWTP Basin Recirculation Pump Replacements	Policy 12.1	Community vitality
	Wastewater Utility	3	Auke Bay Treatment Plant (ABTP) Tank Repairs	Policy 12.1	Community vitality
	Wastewater Utility	4	WW system SCADA Improvements	Policy 12.1	Community vitality
	Wastewater Utility	5	Collection System Pump Station Upgrades	Policy 12.1	Community vitality
	Wastewater Utility	6	Lift Station Upgrades / Outer Drive & W Juneau Improvements	Policy 12.1	Community vitality
	Wastewater Utility	7	ABTP Disinfection Upgrades	Policy 12.1	Community vitality
	Wastewater Utility	8	ABTP Generator / Backup Power	Policy 12.1	Community vitality
	Wastewater Utility	9	Delta Drive Collection System Improvements (Street Recon)	Policy 12.1	Community vitality
	Wastewater Utility	10	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	Policy 12.1	Community vitality
	Wastewater Utility	11	River Road Paving LID - Utility Adjustments & Improvements	Policy 12.1	Transportation
	Wastewater Utility	12	Hospital Drive Sewer Improvements (Street Recon)	Policy 12.1	Transportation

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	Wastewater Utility	13	Pavement Management Utility Adjustments	Policy 12.1	Transportation
	Wastewater Utility	14	ADOT Project Utility Adjustments	Policy 12.1	Transportation
	Water Utility	1	Douglas Hwy Water System replacement - David St. to I St.	Policy 12.1	Transportation
	Water Utility	2	Cedar Park Pump Station Backup Generator and Tank Removal	Policy 12.1	Community vitality
	Water Utility	3	Hospital Drive Waterline Replacement (Street Recon)	Policy 12.1	Transportation
	Water Utility	4	Savikko Road Waterline Replacement (Street Recon)	Policy 12.1	Transportation
	Water Utility	5	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	Policy 12.1	Transportation
	Water Utility	6	Capital Ave Water System (Willoughby to Ninth) Street Recon	Policy 12.1	Transportation
	Water Utility	7	Areawide Water Repairs / Minor Replacements	Policy 12.1	Community vitality

Schools		1	JSD Buildings Major Maintenance / Match	Policy 14.1	Community vitality
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FINDINGS

Do the CIP projects listed for funding in the FY2020 conform to the policies of the Juneau Comprehensive Plan?

Projects proposed for funding in FY2020 conform to the policies of the Comprehensive Plan.

RECOMMENDATION

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2020 as listed in Resolution 2845(c) conform to the policies of the Juneau Comprehensive Plan.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2845(c)

A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2020 through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2020 through Fiscal Year 2025, and has determined the capital improvement project priorities for Fiscal Year 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Capital Improvement Program.

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," dated June 1, 2019, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," are pending capital improvement projects to be undertaken in FY20:

FISCAL YEAR 2020		
GENERAL SALES TAX IMPROVEMENTS		
DEPARTMENT	PROJECT	FY20 BUDGET
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 230,000
Manager's Office	Eaglecrest Financial Sustainability Plan	50,000
Manager's Office	JPD Facility Security Upgrades	150,000
Manager's Office	Hagevig Training Center Improvements	100,000
Parks & Recreation	Deferred Building Maintenance	370,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	275,000
Parks & Recreation	Sports Field Resurfacing & Repairs	100,000
Parks & Recreation	Trail Maintenance	100,000
Parks & Recreation	Chicken Yard Park	125,000
General Sales Tax Improvements Total		\$ 1,500,000

FISCAL YEAR 2020

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AREAWIDE STREET SALES TAX PRIORITIES

DEPARTMENT	PROJECT	FY20 BUDGET
Street Maintenance	Pavement Management	\$ 900,000
Street Maintenance	Sidewalk & Stairway Repairs	250,000
Street Maintenance	Areawide Drainage Improvements	250,000
Street Maintenance	Security System at 7 Mile Shop Yard	150,000
Street Maintenance	Capital Avenue Willoughby to Ninth	600,000
Street Maintenance	Hospital Drive	800,000
Street Maintenance	Calhoun Ave Main to Gold Creek Phase I	1,100,000
Street Maintenance	Mendenhall Boulevard - Poplar to Columbia	600,000
Street Maintenance	Savikko Road	650,000
Street Maintenance	Aspen Avenue (Mendenhall to Taku)	1,100,000
Street Maintenance	River Road Paving LID	2,100,000
Street Maintenance	Gold Creek Flume Repairs	400,000
Capital Transit	Bus Shelters Improvements	50,000
Capital Transit	Design Power Upgrades for Electric Buses	150,000
Capital Transit	Construction of Valley Transit Center - Grant Match	100,000
Engineering	EV (Electric Vehicle) Charging Infrastructure	50,000
Engineering	Contaminated Sites Reporting	100,000
Manager's Office	Juneau Renewable Energy Strategy (JRES) Implementation	250,000
Areawide Street Sales Tax Priorities Total		\$ 9,600,000

FISCAL YEAR 2020

TEMPORARY 1% SALES TAX PRIORITIES

Voter Approved Sales Tax 10/01/18 - 09/30/23

DEPARTMENT	PROJECT	FY20 BUDGET
Manager's Office	IT - Infrastructure Upgrades	\$ 200,000
Debt Service	Enterprise Computer System Upgrade	200,000 *
Manager's Office	Affordable Housing Fund	400,000 *
Wastewater Utility	Mendenhall Treatment Plant (MWWTP) Pretreatment Impvmts	1,000,000
Wastewater Utility	MWWTP Basin Recirculation Pump Replacements	1,500,000
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	100,000
Water Utility	Douglas Hwy Water System replacement - David St. to I St.	1,000,000
Parks & Recreation	Deferred Building Maintenance	700,000
Parks & Recreation	Capital School Park Repairs and Playground Replacement	250,000
Parks & Recreation	Parks and Playgrounds Improvements and Deferred Maint	250,000
Parks & Recreation	Augustus Brown Pool Deferred Maintenance	1,700,000
School District	JSD Buildings Major Maintenance / Match	1,000,000
Public Works	Waste - RecycleWorks Waste Diversion Program	400,000 *
Temporary 1% Sales Tax Priorities Total		\$ 8,700,000

* Operating Budget Funding

FISCAL YEAR 2020

MARINE PASSENGER FEE PRIORITIES

DEPARTMENT	PROJECT	FY20 BUDGET
Docks	Seawalk Major Maintenance	\$ 85,000
Port of Juneau	Seawalk Major Maintenance	\$ 85,000
Docks	Seawalk Permitting/Planning/Design	46,100
Port of Juneau	Seawalk Permitting/Planning/Design	46,100
Docks	Security Checkpoint Queuing Structure Phase II	200,000
Port of Juneau	Security Checkpoint Queuing Structure Phase II	200,000
Docks	Large Berth Shore Power Preliminary Design & Cost Estim	300,000
Docks	Large Berth Shore Power Feasibility/System Impact Analysis	250,000
Engineering	Large Berth Shore Power Feasibility/System Impact Analysis	250,000
Marine Passenger Fee Priorities Total		\$ 631,100
Marine Passenger Fee Priorities Total		\$ 581,100

Res. 2845(c)

FISCAL YEAR 2020		
STATE MARINE PASSENGER FEE PRIORITIES		
DEPARTMENT	PROJECT	FY20 BUDGET
Docks	Statter Harbor	\$ 4,500,000
Harbors	Statter Harbor	\$ 4,500,000
State Marine Passenger Fee Priorities Total		<u><u>\$ 4,500,000</u></u>

FISCAL YEAR 2020		
BARTLETT HOSPITAL ENTERPRISE FUND		
DEPARTMENT	PROJECT	FY20 BUDGET
Bartlett Hospital	Hospital Drive Paving - Admin to Juneau Med Center	\$ 500,000
Bartlett Hospital	Crises Stabilization	3,500,000
Bartlett Hospital Enterprise Fund Total		<u><u>\$4,000,000</u></u>

FISCAL YEAR 2020		
HARBORS ENTERPRISE FUND		
DOCKS AND HARBORS ENTERPRISE FUND		
DEPARTMENT	PROJECT	FY20 BUDGET
Harbors	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	\$ 140,000
Docks and Harbors	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	\$ 140,000
Harbors Enterprise Fund Total		<u><u>\$140,000</u></u>
Docks and Harbors Enterprise Fund Total		<u><u>\$140,000</u></u>

FISCAL YEAR 2020		
WATER ENTERPRISE FUND		
DEPARTMENT	PROJECT	FY20 BUDGET
Water Utility	Douglas Highway Water Replacement David St. to I St.	\$ 3,000,000
Water Utility	Cedar Park Pump Station Backup Generator and Tank Removal	500,000
Water Utility	Hospital Drive Waterline Replacement (Street Recon)	150,000
Water Utility	Savikko Road Waterline Replacement (Street Recon)	120,000
Water Utility	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	180,000
Water Utility	Capital Ave Water System (Willoughby to Ninth) Street Recon	50,000
Water Utility	Capital Ave Water System (Willoughby to Ninth) Street Recon	50,000
Water Utility	Areawide Water Repairs / Minor Replacements	50,000
Water Enterprise Fund Total		<u><u>\$4,050,000</u></u>

FISCAL YEAR 2020		
WASTEWATER ENTERPRISE FUND		
DEPARTMENT	PROJECT	FY20 BUDGET
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	\$ 145,000
Wastewater Utility	WW system SCADA Improvements	250,000
Wastewater Utility	Collection System Pump Station Upgrades	950,000
Wastewater Utility	Lift Station Upgrades / Outer Drive & W Juneau Improvements	350,000
Wastewater Utility	ABTP Disinfection Upgrades	400,000
Wastewater Utility	ABTP Generator / Backup Power	800,000
Wastewater Utility	Delta Drive Collection System Improvements (Street Recon)	75,000
Wastewater Utility	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	150,000
Wastewater Utility	River Road Paving LID - Utility Adjustments & Improvements	25,000
Wastewater Utility	Hospital Drive Sewer Improvements (Street Recon)	35,000
Wastewater Utility	Pavement Management Utility Adjustments	20,000
Wastewater Utility	ADOT Project Utility Adjustments	25,000
Wastewater Enterprise Fund Total		<u><u>\$ 3,225,000</u></u>

**FISCAL YEAR 2020
LANDS FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Lands	Pederson Hill Subdivision	\$ 450,000
Lands	Peterson Hill Subdivision	\$ 450,000
Lands	Pits and Quarries Infrastructure Maintenance and Expansion	50,000
Lands Fund Total		\$ 500,000

ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL	\$ 35,846,100
ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL	\$ 35,796,100

ORDINANCE 2019-06 OPERATING BUDGET FUNDING TOTAL	\$ 1,000,000 *
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** Operating Budget Funding*

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020-2025," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY20, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

**FISCAL YEAR 2020
AIRPORT UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	
Airport	Departure Lounge Secured ExitLane	\$ 380,000
Airport	Taxiway A Rehabilitation	17,000,000
Airport	Taxiway E Realignment (Geometry)	2,000,000
Airport	Taxiway D-1 Relocation (RIM)	1,500,000
Airport	26 MALSR (FAA F&E Project)	3,750,000
Airport	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	292,000
Airport Unscheduled Funding Total		\$ 24,922,000

**FISCAL YEAR 2020
UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	
Docks and Harbors	ADOT Grant - Aurora Harbor Rebuild - Phase III	\$ 2,000,000
Docks and Harbors	ADOT Grant - Anode Installation - Harris Harbor	125,000
Docks and Harbors	ACOE Grant - Statter Breakwater Feasibility	500,000
Harbors	Amalga Harbor Infrastructure	280,000
Eaglecrest	Magic Carpet Grant Funding	160,000
Lands	Pederson Hill Phase II	1,350,000
Lands	West Douglas Pioneer Road Extension	100,000
Manager's Office	Senior Housing Land	1,500,000
Manager's Office	State Parking	5,000,000
Manager's Office	City Hall	5,000,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request JCF	25,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request Rasmussen	25,000
Unscheduled Funding Total		\$ 16,065,000
Unscheduled Funding Total		\$ 15,785,000

Section 2. Fiscal Year 2020 Budget. It is the intent of the Assembly that the Capital Improvements project budget allocations as set forth in the FY20 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2020 Budget. Page 18 of 650

Section 3. State and Federal Funding. To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this ____ day of _____, 2019.

Beth A. Weldon Mayor

Attest:

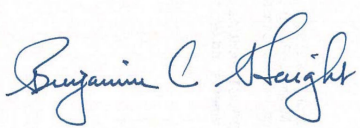
Elizabeth J. McEwen, Municipal Clerk



Planning Commission

(907) 586-0715
 PC_Comments@juneau.org
 www.juneau.org/plancomm
 155 S. Seward Street • Juneau, AK 99801

Date: November 28, 2018

From: Benjamin Haight, Chair
 Planning Commission 

To: Mike Vigue, Director of Engineering
 Assembly Public Works and Facilities Committee

Subject: Planning Commission CIP Recommendations, 2020-2025

BACKGROUND

Each year, the Planning Commission is tasked with reviewing and recommending to the Assembly whether to approve the Borough's six-year Capital Improvement Program (CIP). The Commission understands that this review is intended to ensure that the CIP is consistent with the Comprehensive Plan and other City and Borough plans, such as the Land Use Master Plan, Juneau Economic Development Plan, and Climate Action and Implementation Plan.

Over the last three years, in coordination with the CBJ Manager's Office and CDD Director, the Planning Commission has worked to make its review of the CIP list more meaningful by allowing for an early recommendation of Planning Commission priorities in addition to the final CIP review before the formal Assembly adoption. Planning Commission comments on the draft CIP document early in the review process allows earlier recommendations for review and inclusion by the Manager's Office and Borough Assembly as the CIP list is assembled.

It is intended that the Planning Commission's annual review will continue to follow the general format established here, allowing subsequent reviews to track progress on these goals as a way to help foster consistency and achieve results. In addition, the Planning Commission is working to ensure that there will be additional opportunities for public input to the CIP review process.

COMPREHENSIVE PLAN REVIEW

Before addressing specific recommendations, the Planning Commission notes that review and approval of the CIP reinforces the recognized need to review and update the Comprehensive Plan. An update to the Comprehensive Plan will help ensure that the City's CIP priorities are aligned with the community's vision and priorities. In addition, part of revising the Comprehensive Plan will be to harmonize and appropriately integrate other City and Borough plans. That process should help identify priorities and ensure that input from the Planning Commission, other bodies, and the public can be meaningful.

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission has structured its review to include both a summary of general *Policy Recommendations* that fall under the Planning Commission's purview, as well as a list of recommended *Specific Projects* that follow from the general recommendations. These recommendations are offered to help ensure that the Borough's broad development and planning needs are met.

A. Policy Recommendations

The Planning Commission has identified three general categories that are relevant to its review authority and that should inform an evaluation of the consistency of potential capital improvements with the Comprehensive Plan: *Housing, Community Vitality, and Sustainability*. The following general goals reflect those priorities and draw from current City and Borough plans:

Housing

1. Develop incentive programs to promote new housing development. Such programs should derive from recommendations of the CBJ Housing Officer, Committee on Affordable Housing, Economic Development Plan, and the Housing Action Plan.
2. Focus housing initiatives in the near-term on Downtown, which the Commission identifies as under-served by CBJ efforts to improve and increase housing stock borough-wide.
3. Explore public/private mechanisms to help create new or renovated housing inventory, with a focus on under-utilized facilities in the Downtown core.

Community Vitality:

1. Focus on Downtown improvements, given the rapidly increasing levels of seasonal visitation. Projects should address vehicular and pedestrian traffic congestion, waterfront and sea walk development, lessening of homeless impacts, and increased full-year economic vitality.
2. Initiate goals from the Lemon Creek Area Plan. This planning process was undertaken by CBJ as a way for the community to articulate goals for Lemon Creek and to identify priority CBJ projects, including recreational areas, parks, trails, and community facilities.
3. Strengthen the CBJ Land Management Plan by working across CBJ departmental land designations to prioritize parcels for acquisition or disposal relative to CBJ and community needs, including housing, infrastructure, and recreation.

Sustainability:

1. Prioritize and enact recommendations from the Climate Action and Implementation Plan and Juneau Renewable Energy Strategy.
2. Prioritize recycling and landfill diversion strategies, such as organic waste composting, and work toward waste volume reduction while long-term waste solutions are studied.

3. Encourage greater local food production opportunities by allowing land throughout the borough which is unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations.

B. Specific Projects

The following projects would implement Planning Commission priorities from the general policy goals above and are recommended for CBJ action:

- Housing: Implement an incentive program for the creation of new apartments in Downtown mixed-use facilities. The focus should be on underutilized properties. Recent 1% sales tax funds may be an appropriate funding source.
- Community Vitality: Implement capital project improvements from the Lemon Creek Area Plan. Of these potential projects, a new bike trail linking Twin Lakes, crossing the wetlands, Lemon Creek, and connecting to Glacier Highway near Switzer Creek is a priority. This bike trail aligns with the 2001 Area-wide Transportation Plan and the Lemon Creek Plan. It would provide recreational access to undeveloped and attractive Lemon Creek areas and better link Lemon Creek residents in a positive way with adjoining Juneau neighborhoods.
- Housing: Support development and implementation of a residential energy efficiency program to reduce costs of heating and utilities. Improved efficiency and conversion from electric resistance and oil heat to heat pumps which recognize the benefits of Juneau's hydroelectric power will contribute to CBJ goals of improving housing affordability, shifting to renewable energy, and reducing GHG emissions, while creating new jobs.
- Community Vitality: Implement a seasonal Downtown circulator with simple on/off transit nodes that link primary pedestrian areas, including the tram/dock area, transit center, and Willoughby District. This step would lessen traffic congestion in the downtown core, particularly South Franklin Street. Great enthusiasm has been shown for this step in on-going "Blueprint Downtown" studies, with a further recommendation to utilize electric buses.
- Community Vitality: Ensure that funding for reconstruction of Capital Avenue between Willoughby Avenue and Ninth Street remains allocated for FY2020 as shown in the FY19-24 CIP. Work should begin on known land ownership and underground infrastructure issues in preparation for construction. This is an important non-motorized link to the Willoughby area and a sidewalk along this street was identified as a specific walking connection need in the 2012 Willoughby District Land Use Plan. It was also identified as a priority in the 2009 Non-motorized Transportation Plan.
- Housing: Continue to develop an updated mass wasting study across the downtown area. A new study would have several benefits, including the potential to increase the inventory of developable land and to remove financing barriers where regulatory and development ambiguity exists. A study would have the benefit of providing a better understanding CBJ liability and establishing a more accurate risk assessment.

Assembly Public Works and Facilities Committee
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November 28, 2018
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- Sustainability: Develop a community-wide electric vehicle (EV) plan that supports adoption of EV's, acknowledges EV benefits, and encourages and coordinates public and private development of charging infrastructure. Such a plan would include consistent EV parking and charging policies and signage, require that all CBJ construction and street projects plan for and incorporate EV charging infrastructure where economical and practical, and require appropriate wiring in new residential and commercial construction.
- Sustainability: Develop and implement procedures to obtain a baseline understanding of city energy use and utilities infrastructure. The city can use tracking software to monitor and report CBJ energy use and costs consistently across all departments and facilities. This will provide necessary information to guide future CIP decisions and to better understand the energy efficiencies that can be gained. These actions are recommended in the Comprehensive Plan, the Juneau Climate Action and Implementation Plan (2011), the Juneau Renewable Energy Strategy (2018), and in the Juneau Commission on Sustainability's Annual Reports and CIP recommendations 2016-2018.
- Sustainability: Initiate a study of opportunities for organic waste composting and begin to plan and design for a composting facility at the landfill.
- Sustainability: Develop a publicized process for land throughout the Borough unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations. Modest funding should be allocated to assist in initial development of improvements to these gardens.



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www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 16, 2019

TO: Planning Commission *Laurel Christian*

FROM: Laurel Christian, Planner
Community Development Department

CASE NO.: USE2019 0009

PROPOSAL: A Conditional Use Permit for a 72 unit condominium development

GENERAL INFORMATION

Applicant: Travis Arndt

Property Owner: Gross Alaska Inc.

Property Address: Cinema Drive

Legal Description: Gross Lot 2

Parcel Code Number: 5B2101320030

Site Size: 4.922 Acres

**Comprehensive Plan Future
Land Use Designation:** Medium Density Residential (MDR)

Zoning: D15

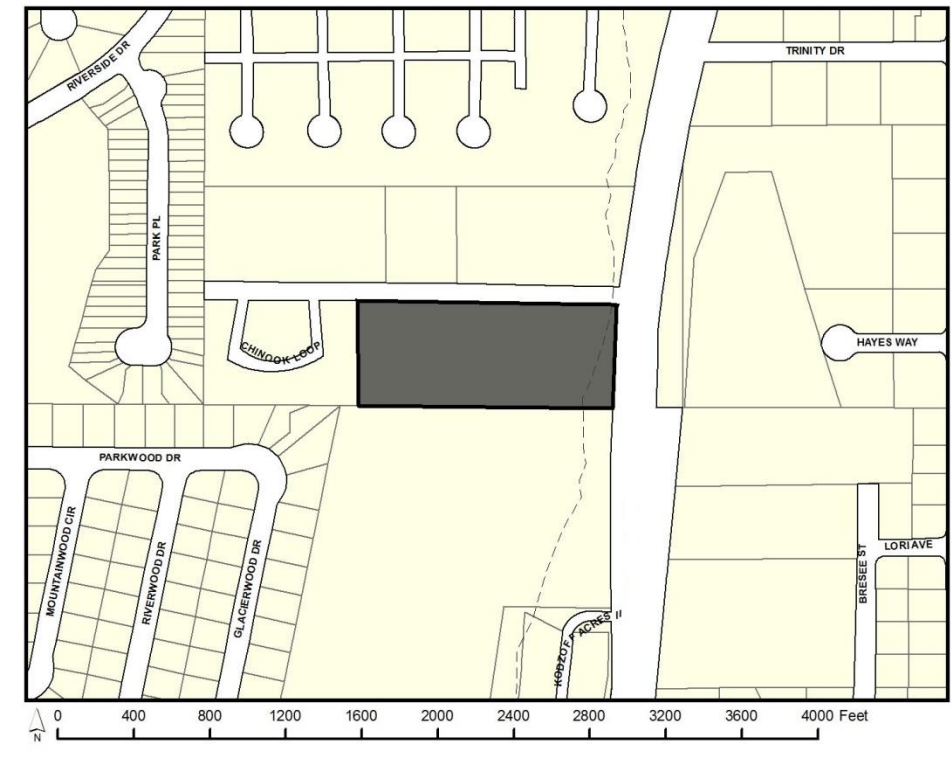
Utilities: Public Water & Sewer

Access: Cinema Drive

Existing Land Use: Vacant

Surrounding Land Use:	North	-	Glacier Cinemas (D15)
	South	-	Vacant (D15)
	East	-	Mendenhall Loop Road
	West	-	Chinook Apartments (D15)

VICINITY MAP



ATTACHMENTS

- Attachment A – Application and Project Narrative
- Attachment B – Site Plan, Including Parking and Vegetative Cover
- Attachment C – Floor Plan and Building Design
- Attachment D – AKDOT Traffic Study Results
- Attachment E – Site Visit Photos
- Attachment F – AKDOT Comments

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for a 72 unit condominium development to be located in the D15 multifamily zoning district. The condominiums will be a mixture of two and

three bedroom units.

BACKGROUND

The subject parcel was platted in 1983 through the Gross Subdivision. The parcel has remained vacant since it was created. The applicant now proposes to develop a 72 unit condominium development on the parcel. Per CBJ 49.25.300 major development in the D15 zoning district consists of residential development over eight dwelling units. According to 49.25.300 Table of Permissible Uses, Multifamily Dwellings are allowed in the D15 zoning district with a Conditional Use Permit for major development (USE 1.300).

ANALYSIS

Project Site – The project site is currently vacant. The parcel measures 4.922 acres (214,402.32 square feet). The parcel exceeds the minimum lot size for the D15 zoning district (5,000 square feet) and the minimum lot width and depth for the zoning district (50 feet x 80 feet).

Project Design – The proposed condominium development will consist of four large buildings, 72 carports and 18 garages (Attachment C). The applicant's site plan demonstrates that the proposed development can fit within the required setbacks for the zoning district: 20 foot front, 15 foot rear, 5 foot side, and 13 foot street-side (Attachment B). The applicant will establish the front-yard setback along Mendenhall Loop Road and the street-side setback along Cinema Drive.

The maximum height for the D15 zoning district, for permissible uses, is 35 feet. Height is measured to the mid-point of a gabled roof. Based on this, the buildings, as shown in the plans in Attachment C, would measure approximately 34 feet. This will be reviewed and confirmed for compliance during the building permit process upon submittal of final plans to the Department.

Density – The subject parcel measures 4.922 acres according to Plat 1983-60. The zoning district allows for up to 15 dwelling units per acre, so this development could have up to 74 dwelling units. The applicant has proposed 72 dwelling units. The Assessor's database lists the parcel as 4.19 acres; however, the legally recorded plat lists the parcel as 4.922 acres. There have been no sales of land or platting actions that would decrease the size of the lot, so the acres on the plat will be used to calculate density (Note: property assessments may exclude buffers for anadromous water bodies, which may result in the discrepancy).

Traffic – The Institute of Transportation Engineers Manual categorizes condominiums as residential condos/townhouses (Land Use 230) and estimates that each residence will generate 5.81 vehicle trips per day, making the average daily traffic for the entire development to be 418 trips per weekday.

CBJ 49.40.300 states that when a development is projected to generate 250-500 average daily trips, the Director may determine whether or not a Traffic Impact Analysis is required. At this time, the Director has determined that no traffic impact analysis is required, for the following reasons:

1. The Alaska Department of Transportation (DOT) has determined that this size of development would not trigger a traffic impact analysis for the intersection of Mendenhall Loop Road and Cinema Drive.
2. It is not likely that the developer would be allowed to work within the DOT Right-of-Way (ROW) on Mendenhall Loop Road if traffic mitigation was required. Additionally, improvements to Mendenhall Loop Road by DOT are planned and should alleviate traffic at this intersection (Attachment F).

In 2014, DOT performed a Traffic Study for intersections on Mendenhall Loop Road which shows that during peak hours of travel, the intersection of Mendenhall Loop Road and Cinema Drive is a Level of Service F (Attachment D). Level of Service F is the lowest, and worst, level of service. With the addition of the traffic from the proposed development, this level of service is not expected to change. Cinema Drive is a 60-foot-wide CBJ ROW with no sidewalks on either side. Based on the Average Daily Trips Generated by this development, the street should have sidewalks on one side of the street. Staff is recommending, as a condition of approval, that the developer installs a sidewalk or a separated path along Cinema Drive for the length of the development. If a separated walking path is chosen, the developer shall record an easement for the public use of that path. This will ensure a safe route for pedestrians to the separated path along Mendenhall Loop Road or to the bus stop near the corner of Mendenhall Loop Road and Cinema Drive.

Parking and Circulation – The proposed parking plan can be found in Attachment B. According to the proposed plan, the applicant can provide 143 spaces, including 72 carport spaces, 18 garage spaces, and 53 uncovered parking lot spaces. As demonstrated in the table below, the total parking requirement is 138 spaces based on 1.75 spaces per two-bedroom unit and 2.23 spaces per three-bedroom unit as required by CBJ 49.40.210(a).

Per CBJ 49.40.210(b)(3), five accessible spaces are required for parking lots with 101-150 spaces. One of these accessible spaces shall be van accessible. The applicants parking plan does not show accessible spaces. A recommended condition of approval is that the applicant submits a revised parking plan showing the required accessible parking spaces to the Department for review during the building permit process.

Unit Type	No. of Units	Spaces Per Unit	Total
2 Bedroom	48	1.75	84
3 Bedroom	24	2.25	54
			138 Total Required

Additionally, staff recommends, as a condition of approval, that parking spaces shall be striped and signed with required accessible signage prior to the issuance of a Certificate of Occupancy. To ensure that all common parking and circulation areas are adequately maintained, it is recommended, as a condition of approval, that a Homeowner's Association (HOA) Agreement address the maintenance of such areas.

Pedestrian Circulation – CBJ 49.40.230 states that pedestrian walkways within a parking area be a minimum of 4 feet wide and must be raised 6 inches or more above the parking area. At this time, no sidewalks are shown on the site plan within the development. A recommended condition of approval is that the applicant depicts proposed pedestrian paths on the site-plan to be reviewed by the Department during the building permit review process.

Lighting – CBJ 49.40.230(d) requires that parking areas be “suitably lighted” and “shall be full cutoff styles that direct light only onto the subject parcel”. This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian walkways, and immediately adjacent or affixed to the exterior of the building. The applicant does not show lighting on the site plan. A recommended condition of approval is that the applicant submits a lighting plan for review by the Department during the building permit process, and the lighting shall be designed, located, and installed to minimize off-site glare.

Vegetative Cover – The applicant has submitted a site plan showing vegetative areas (Attachment B). The minimum vegetative cover requirement for the D15 zoning district is 30%. The lot measures 214,402.32 square feet and 64,320 square feet of vegetative cover is required. The applicant has demonstrated on the site plan that this requirement can be met (Attachment B).

Prior to the issuance of a Certificate of Occupancy, staff recommends that the Homeowners Association Agreement provide for the maintenance of all required vegetation and landscaping.

Drainage and Snow Storage – A detailed drainage and snow storage plan will be required at the time a building permit is applied for. The drainage plan must show that permanent storm water best management practices (BMPs) will be in place and must include all easements that have been granted for drainage.

Noise – Noise from the proposed development is not expected to be out of character with the D15 multi-family neighborhood.

Public Health or Safety – During the building permit review, all structures will be evaluated for compliance with all zoning, building, and fire standards. At this time, there is no evidence that the proposed development would negatively affect public health or safety.

Habitat – Duck Creek runs north to south on the subject parcel. Duck Creek is identified by the Alaska Department of Conservation and the 2013 Comprehensive Plan as an impaired waterbody due to pollution from urban run-off, landfill, road run-off, and land development.

Additionally, Duck creek is identified as an anadromous waterbody, and a 50 foot no development and 25 foot no disturbance buffer applies. The applicant has demonstrated on the site plan that the condominium development will be outside of the required streamside buffer (Attachment B).

The Alaska Department of Environmental Conservation and the Alaska Department of Fish and Game were invited to comment on this proposal, and no comments have been received at this time.

Flood Hazard Area – Portions of the subject parcel, around Duck Creek are within the AE Flood Hazard Zone according to the CBJ Adopted Flood Insurance Rate Maps (FIRM). The proposed structure will be built to meet the requirements set forth in CBJ 49.70.400. This will be reviewed during the building permit process.

Property Value or Neighborhood Harmony – There is no evidence that the proposed development will negatively harm property values or neighborhood harmony.

Agency and Public Comments – The proposed development application was sent to the Building Code Official, City Assessor, Engineering & Public Works, Capital City Fire & Rescue, Alaska Department of Transportation (DOT), Alaska Department of Fish and Game, and the Alaska Department of Environmental Conservation. At this time, no issues with the proposed development have been raised. Comments from DOT are discussed above and found in Attachment F.

At this time, staff has received no public comments regarding the proposed development.

Conformity with Adopted Plans –

2013 Comprehensive Plan – The subject parcel has a Comprehensive Plan Future Land Use Designation of Medium Density Residential (MDR). The proposed development is consistent with the intent of the MDR Land Use designation:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

Additionally, the proposed development is consistent with the following policies from the Comprehensive Plan:

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

2009 Juneau Non-Motorized Transportation Plan – The Juneau Non-Motorized Transportation plan sets goals to promote active transportation, installing sidewalks or a separated path would be consistent with goal 3 of the plan:

3. Improve Juneau's non-motorized transportation network and decrease the number of bicycle and pedestrian related accidents by identifying unsafe conditions, network gaps and deficiencies and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections and crosswalks.

2016 Housing Action Plan – The Housing Action Plan identifies a need for housing in Juneau; the proposed development will add 72 dwelling units to Juneau's housing stock. The proposed development is in general conformity with the Housing Action Plan as it helps to accomplish a goal the plan sets:

...1,980 newly constructed units for all housing types by the 30 year mark with an annual goal of 66 new units...

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330(f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the D15 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 17, 2019 and May 27, 2019 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right-of-Way.

4. Will the proposed development materially endanger the public health or safety?

No. There is no evidence that the proposed development will materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. There is no evidence that the proposed development will substantially decrease the value or be out of harmony with properties in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development has been found to be in general conformity with the CBJ Comprehensive Plan, Housing Action Plan, and the Juneau Non-Motorized Transportation Plan if sidewalks or a separated path are installed.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 72 unit condominium complex in a D15 zone.

The approval is subject to the following conditions:

1. Sidewalk or a separated walking path along Cinema Drive for the length of the development shall be installed by the Developer. If a separated walking path is chosen, the developer shall record an easement for the public use of that path.
2. The applicant shall submit a revised parking plan including the following information to be reviewed during the building permit process:
 - a. Accessible parking spaces
 - b. Pedestrian paths within the development.
3. Parking spaces shall be striped and signed with required accessible signage prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, the Developer shall submit a Homeowner's Association (HOA) Agreement that addresses the following:
 - a. Maintenance of the parking and circulation areas,
 - b. Maintenance of the required vegetative cover, and
 - c. Snow storage and disposal.
5. The applicant shall submit a lighting plan for review by the Department during the building permit process, the lighting shall be designed, located, and installed to minimize off-site glare.
6. The applicant shall submit a detailed drainage and snow storage plan to be reviewed during the building permit process.



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address <u>Cinema Drive</u>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Gross Lot 2</u>		
	Parcel Number(s) <u>SB2101320030</u>		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <u>Gross Alaska</u>	Contact Person <u>Travis Arndt</u>	
	Mailing Address <u>222 Front Street Juneau Ak 99801</u>	Phone Number(s) <u>907 321 3118</u>	
	E-mail Address _____		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>[Signature]</u> Landowner/Lessee Signature		<u>4/6/2019</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant <u>Travis Arndt</u>	Contact Person <u>Travis</u>		
Mailing Address <u>10340 Lilac Drive Juneau Ak 99801</u>	Phone Number(s) <u>907 321 3118</u>		
E-mail Address <u>constellation-dev@hotmail.com</u>			
X <u>[Signature]</u> Applicant's Signature		<u>4/6/2019</u> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials <u>AL</u>
Date Received <u>4/8/19</u>

Case Number
USE20190009



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

72 unit Condo Development

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 214,403 square feet

Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain N/A
 Proposed

- ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
☒ Description of project, project site, circulation, traffic etc.
☒ Proposed use of land or building(s)
☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
☐ Justification for the modification or extension
☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
☒ Floor plan(s)
☒ Elevation view of existing and proposed buildings
☒ Proposed vegetative cover
☒ Existing and proposed parking areas and proposed traffic circulation
☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ 1600.00			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ 50.00			
Pub. Not. Sign Deposit	\$ 100.00			
Total Fee	\$ 1750.00			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
USE20190009	4/8/19



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

72 Unit Condo Development on Cinema Drive

Case Number: PAC2019 0011

Applicant: Travis Arndt

Property Owner: Gross Alaska

Property Address: Cinema Drive

Parcel Code Number: 5B2101320030

Site Size: 182,516 Square Feet

Zoning: D15

Existing Land Use:

Conference Date:	March 6, 2019 at 10:30 a.m.
Report Issued:	March 13, 2019

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Travis Arndt	Applicant	Constellation_dev@hotmail.com
Tim Felstead	Planning	Tim.Felstead@juneau.org
John Young	Building	John.Young@juneau.org
Dan Jager	Fire	Dan.Jager@juneau.org
Kyle Paw	Permit Technician	Kyle.Paw@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Zoned D15, this allows for multi-family at a density of 15 dwelling units per acre. There is a discrepancy in the Assessor's area vs plat area. The Assessors database shows the area is 4.190 acres, so 63 dwelling units would be allowed. The plat shows the area is 4.922 acres, so 74 dwelling units would be allowed. This will need to be resolved to determine the allowed density for the application.

The applicant does not currently own the subject lot but does own the adjacent lot but states that they do not have set plans to develop the adjacent lot at this stage. They have indicated that they wish to provide a water service for the subject lot that could be extended into the adjacent lot in the future. Whether this is a 'phased development' will be determined when an application is received.

2. **Setbacks** – Minimum setbacks are:

Front (Cinema Drive or Mendenhall Loop Road) – 20'

Street side (which ever right-of-way not chosen as front) – 13'

Rear (opposite street side or front) – 15'

Side (whichever lot line is remaining) – 5'

3. **Height** – Height limit is 35'. No bonuses available.
4. **Access** – Access is going to be required from Cinema Drive. A Traffic Impact Analysis is very likely going to be required by CBJ. In 2014, DOT observed that the Cinema Drive intersection was at 'Level of Service (LOS) F'. Whether a TIA is required or not will be determined once an application is submitted, so that CBJ can evaluate the size of the development proposed at that time. DOT has said that based on 72 apartment condo units and the expected peak hour traffic from that size of development, a TIA would not be required by them, at this time.

Cinema Drive does not have pedestrian sidewalks and is a non-conforming street design. Some research will be needed to determine if the street adjacent to the development will be required to have a sidewalk. This will be reviewed when an application is received.

5. **Parking** – This is dependent on the number of bedrooms in each unit. Multifamily units require 1.5 spaces per one bedroom; 1.75 spaces per two bedroom; 2.25 spaces per three or four bedroom. Applicant has indicated a mix of two bedroom and three bedroom units and expects to provide a surplus of parking spaces beyond what is required.

A site plan showing parking is required with the application materials. Parking lots should be striped, adequately drained, should have internal pedestrian sidewalks - typically around the buildings or parking area to building entrances and pedestrian sidewalks to the street. Sidewalks should be 4' wide with 6 inch high curb. If cars are going to hang over the curb an

Pre-Application Conference Final Report

additional 2' in width is required or wheel stops. All spaces should be striped. Snow storage areas should be shown. Ideally dumpster locations should be screened.

The maintenance of these common areas should be discussed in the application – likely through a Home Owners Association.

6. **Lot Coverage** – Maximum lot coverage (i.e. things with roofs) is 50% for all uses on the lot.
7. **Vegetative Coverage and landscaping** – 30% Minimum – Vegetation should be shown on the site plan with the application, or will be a condition of the building permit. The application should identify landscaping. Parking and circulation areas are required to be 'attractively landscaped' and will be reviewed at the time of application.
8. **Lighting** – All lighting should be full-cut-off lighting to prevent glare on neighboring properties or the right-of-way. A data sheet for intended fixtures should be provided in the application or will be conditioned for building permit. Parking and circulation standards require that parking lots should be 'adequately lit'.
9. **Noise** – This is not expected to be an issue. Use proposed is residential.
10. **Flood** – Area around the pond is an AE flood zone. All construction would need to be above the BFE for the creek in that vicinity as determined by the adopted flood study. Most of this appears to be within 50' of the Ordinary High Water Mark (OHWM) though – see 'Habitat' below. If changes to the flood plain occurred then a separate study to determine impacts to other properties would be required.
11. **Wetlands** – Not in CBJ mapped wetlands. Any fill of the stream would require a variance from CBJ and permits from ADFG and Army Corp of Engineers
12. **Habitat** – Duck Creek is an anadromous stream and is identified as an impaired water body. Bonus points are available for protections or improvements to the habitat. A 50' no development buffer applies from the Ordinary High Water Mark (OHWM) (e.g. where vegetation stops and/or there is an obvious drop off in the side of the bank). No development means any excavation, substantial clearing of vegetation etc. – a full definition of 'development' can be found in the definitions section of the CBJ Land Use Code. A 25ft non disturbance zone 25' is applied from the OHWM. Vegetation in this area cannot be touched.
13. **Plat or Covenant Restrictions** – No known at this time.
14. **CBJ 49.60 Bonus Procedures and Policies** – A residential development density bonus may be awarded if the developer earns bonus points pursuant to this section. The applicant should submit with their application a narrative describing what bonuses they believe they can earn and how they will earn them. Bonus points may be earned under the following categories:
 - a. Sensitive Area (preservation of stream corridors or providing public access to sensitive lands) – *the applicant should work with CDD to determine if the use of permeable asphalt.*
 - b. Non-vehicular Transportation (providing pedestrian paths, sidewalks, bike paths, beyond what is required) – *See access section.*
 - c. Alternative Transportation (providing bus pull-outs and shelters) – this would need work with DOT and Capital Transit.

Pre-Application Conference Final Report

- d. Traffic Mitigation (traffic mitigation measures on public roads) – *This may be required as part of TIA-related mitigation measures anyway.*
- e. Public Services and Facilities (providing public services and facilities beyond what is required) -
- f. Electrical Power (taking measures to minimize consumption of energy) – *this addresses peak hour use and/or overall electricity use. Heat pumps are proving to be a popular heating system at the moment that would be appropriate for this category.*
- g. Mixed-use Development (not applicable)
- h. Project Design (preserving scenic vistas from public places or providing canopies over public places)
- i. Vegetative Cover (maintaining more than the minimum required vegetation)

Building Division:

- 15. **Building** – Plans will be reviewed by John Young during the building permit review.
- 16. **Outstanding Permits** – BLD2005-00778 Grading and pad development for snow storage.

General Engineering/Public Works:

- 17. **Engineering** – Driveway ingress & egress will be from Cinema Drive. Applicant mentioned having two accesses. Approval of these locations will be reviewed when a site plan is received.
- 18. **Drainage** – Drainage, for the most part will be designed to be collected through vegetative drainage ways directed to the Duck Creek drain way.
- 19. **Utilities** – (water, power, sewer, etc.) Water & sewer services will be mainline tapped and connected from Cinema Drive. The applicant discussed extending this service to the adjacent property which is also owned by the applicant.

Fire Marshal:

- 20. **Fire Items/Access** – N/A

Other Applicable Agency Review:

- 21. **DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections** - See comments elsewhere for other Agency permits that maybe relevant etc.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

- 1. Development Permit Application
- 2. Conditional Use Permit Application – includes a narrative, site plan showing location of buildings, lot lines and items listed below under 'Parking and circulation plan'.

Additional submittal requirements:

Pre-Application Conference Final Report

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Parking and circulation plan showing required parking, lighting locations, vegetation/landscaping. These need to be prepared by a professional engineer or architect for an associated building permit application but is not necessary for the Conditional Use permit application.

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit Fee for Class V(iii) Residential structures, over 60 dwelling units:
\$1,600.00
2. Public notice sign fee (\$50) and refundable deposit (\$100) - \$150.00 total

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

72 unit Condo Development on Cinema Drive

The 4.992-acre site is currently vacant. The site is zoned D15. The proposed multi-family residential development complies with the Comprehensive Plan; the area is zoned for multi-family residences.

The anticipated layout will have two rows of buildings paralleling Cinema Drive. The decks and view windows for the larger buildings will face north, up the Mendenhall Valley towards the Mendenhall Glacier. Building access, carports and additional parking will be located between the two rows of buildings. The layout will screen the neighborhood from seeing the parking as well as contain the light from the vehicle headlights. We are evaluating the use of a row of single car garages or a fence along the west property line with the Chinook Apartments. A pond and stand of trees exists to the east between the buildings and Mendenhall Loop Road and will remain.

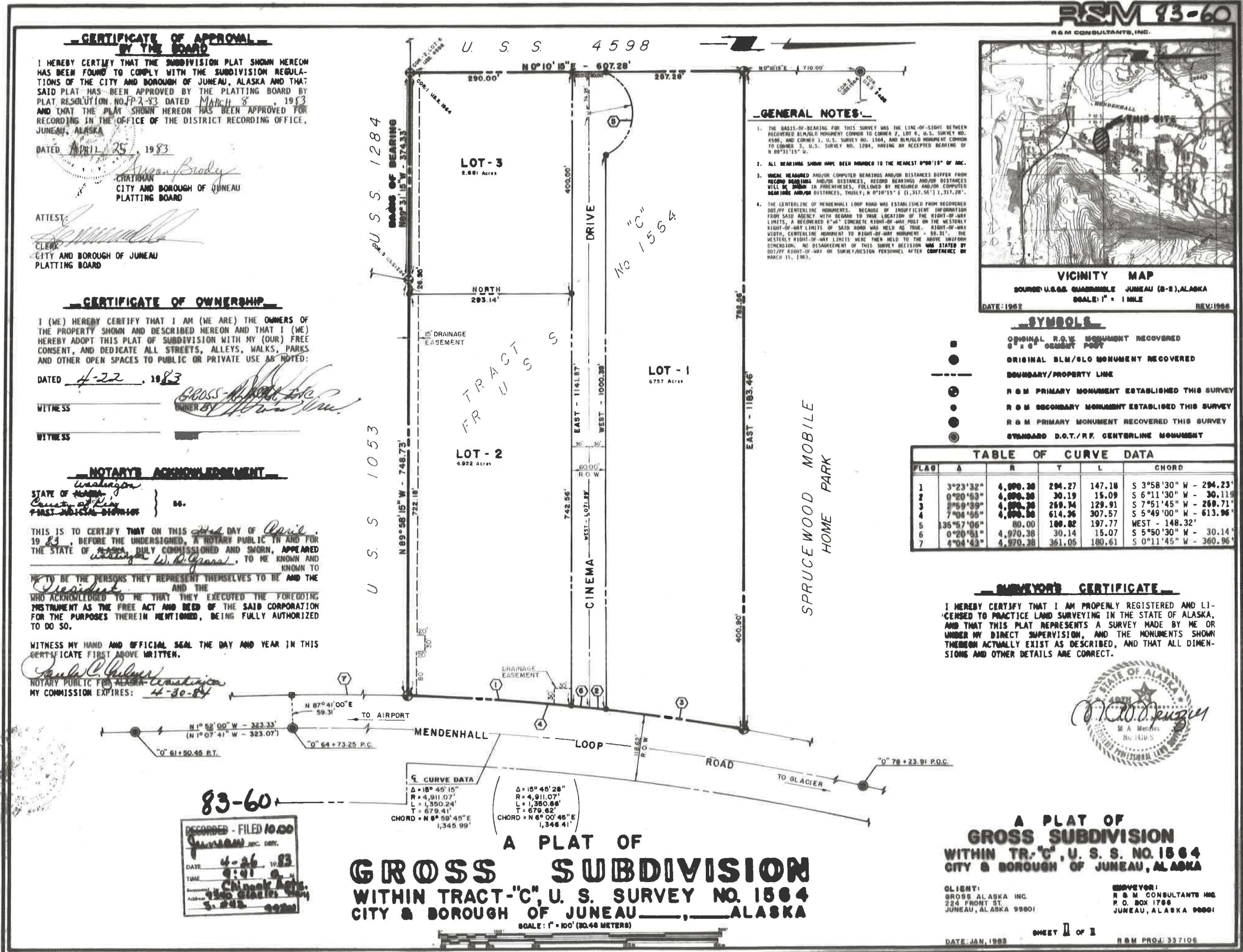
We anticipate building a mixture of 3 bedroom and 2 bedroom units which require 2.25 and 1.75 parking spaces / unit respectively. The current projections have 24 @ 3 Bedrooms and 48 @ 2 Bedrooms. We will provide each unit with one covered carport space with the remaining additional parking located in a row between the two rows of buildings as well as the possible garages. With construction of 72 units, there would be 138 required parking spaces. The carports will provide 72 spaces, leaving at least 66 for the combination of garages and lot parking.

The mailboxes will be placed at one central location within the development. The mailbox location is subject to approval by the US Postmaster and will need to fall within the USPS limitations.

Site lighting is anticipated to be located between two rows of buildings. Similar to previous projects, each carport space will be lighted with a LED recessed can light below the carport roof. The entries and stair will be lighted with a building mounted fixture on each level. The fixtures will provide sufficient light for the residents while minimizing brightening of the neighborhood.

Trash collection will be in the form of several dumpsters spaced around the site between buildings to provide easy access for the residents. Trash collection would occur from within the additional parking area between the buildings.

Snow storage will occur in a number of areas. Ample area will be provided between the buildings and carports to store piled snow. To minimize the impacts of drainage, provide rainwater infiltration, snow melt infiltration, we anticipate again utilizing pervious concrete pavement. While providing a hard parking and use structure, the pervious pavement accepts and controls runoff instead of creating additional areas of reduced infiltration. The pervious pavement will provide infiltration capacity as opposed to draining the runoff directly towards the Duck Creek. Any additional drainage will be directed towards the existing ditch along Cinema Drive or the existing drainage easement along the south property line. In addition, we will provide for at least a 20 ft wide bio-swale before drainage can reach Duck Creek.

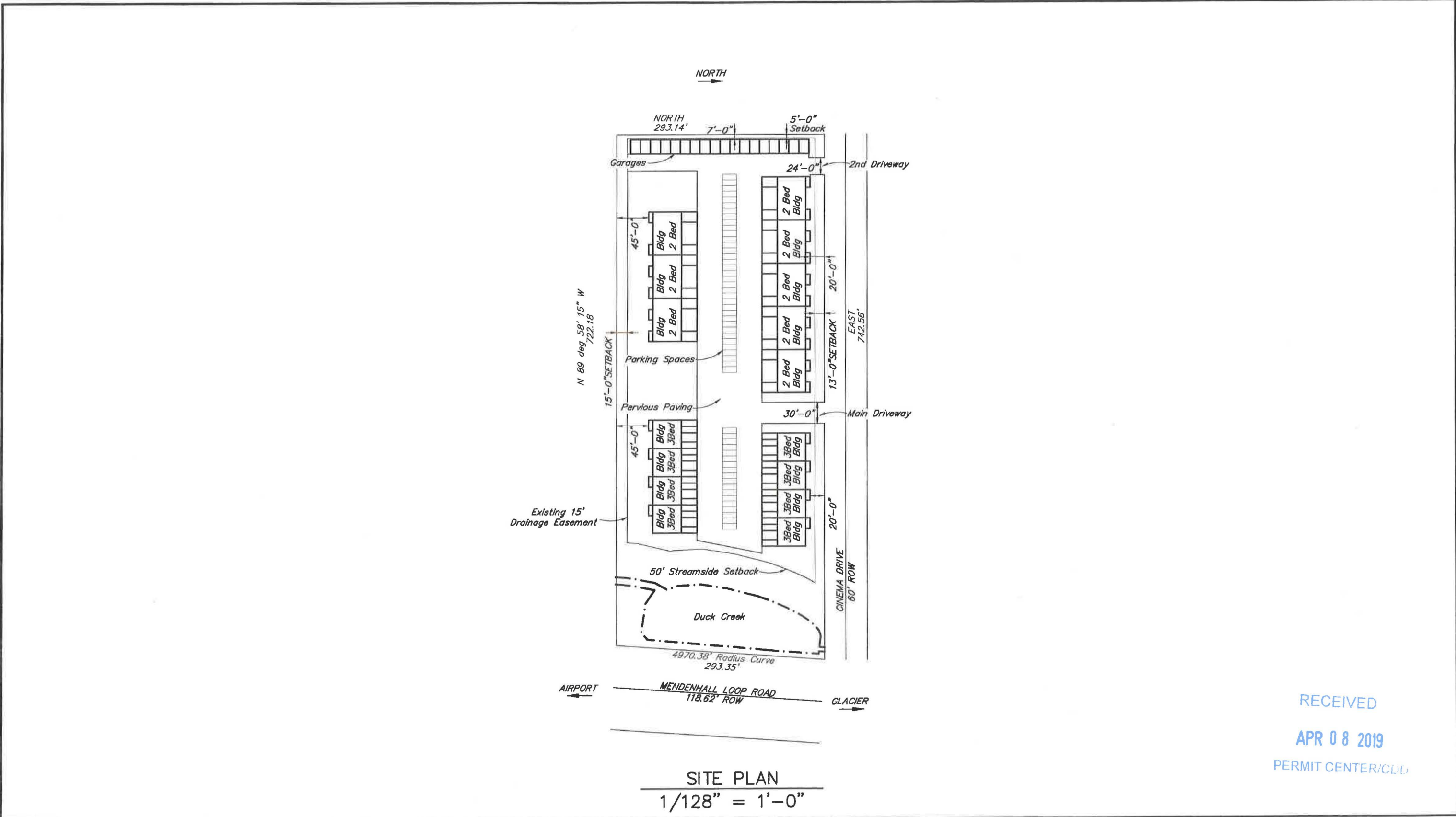


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APR 08 2019

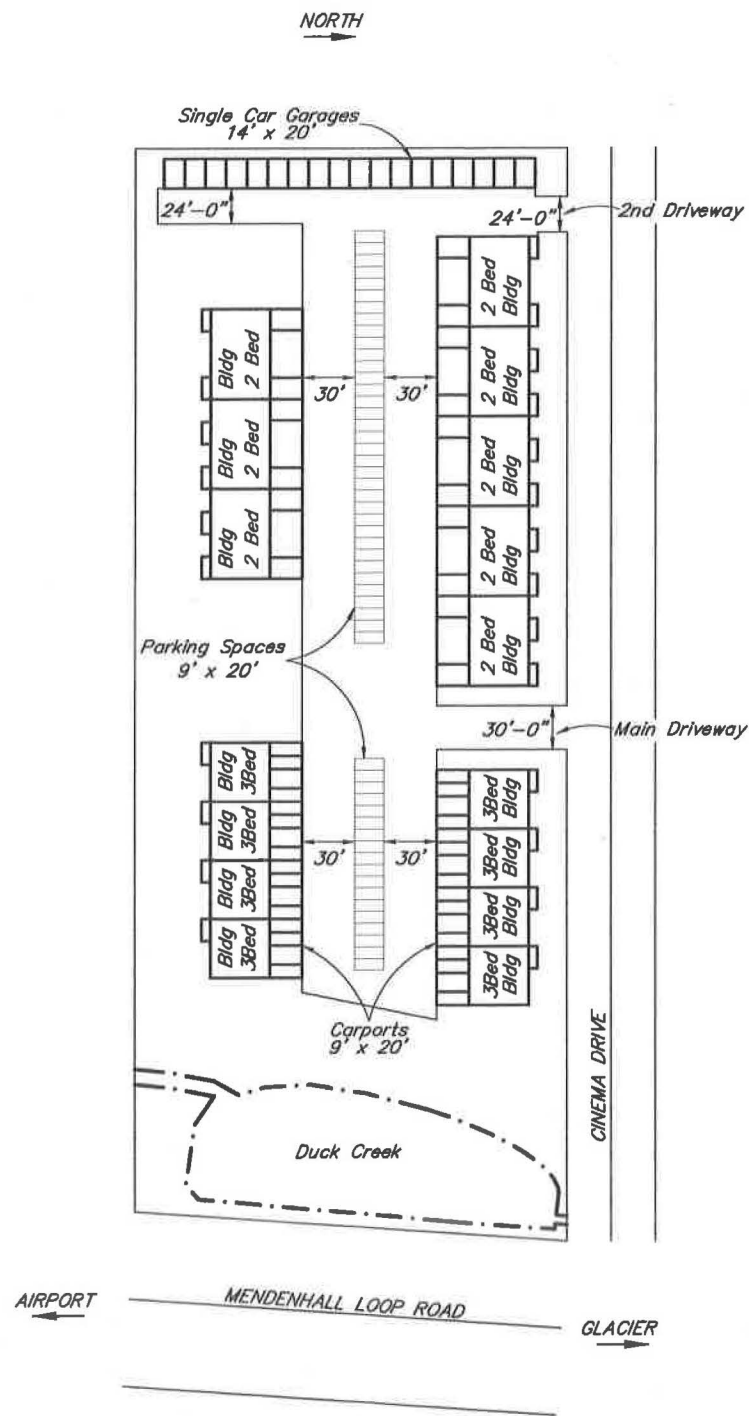
PERMIT CENTER/CDD

USE2490009



CONSTELLATION DEVELOPMENT

Lot 2
Gross Subdiv.
SITE PLAN



VEGETATIVE AREA
 $\frac{1}{128}'' = 1'-0''$

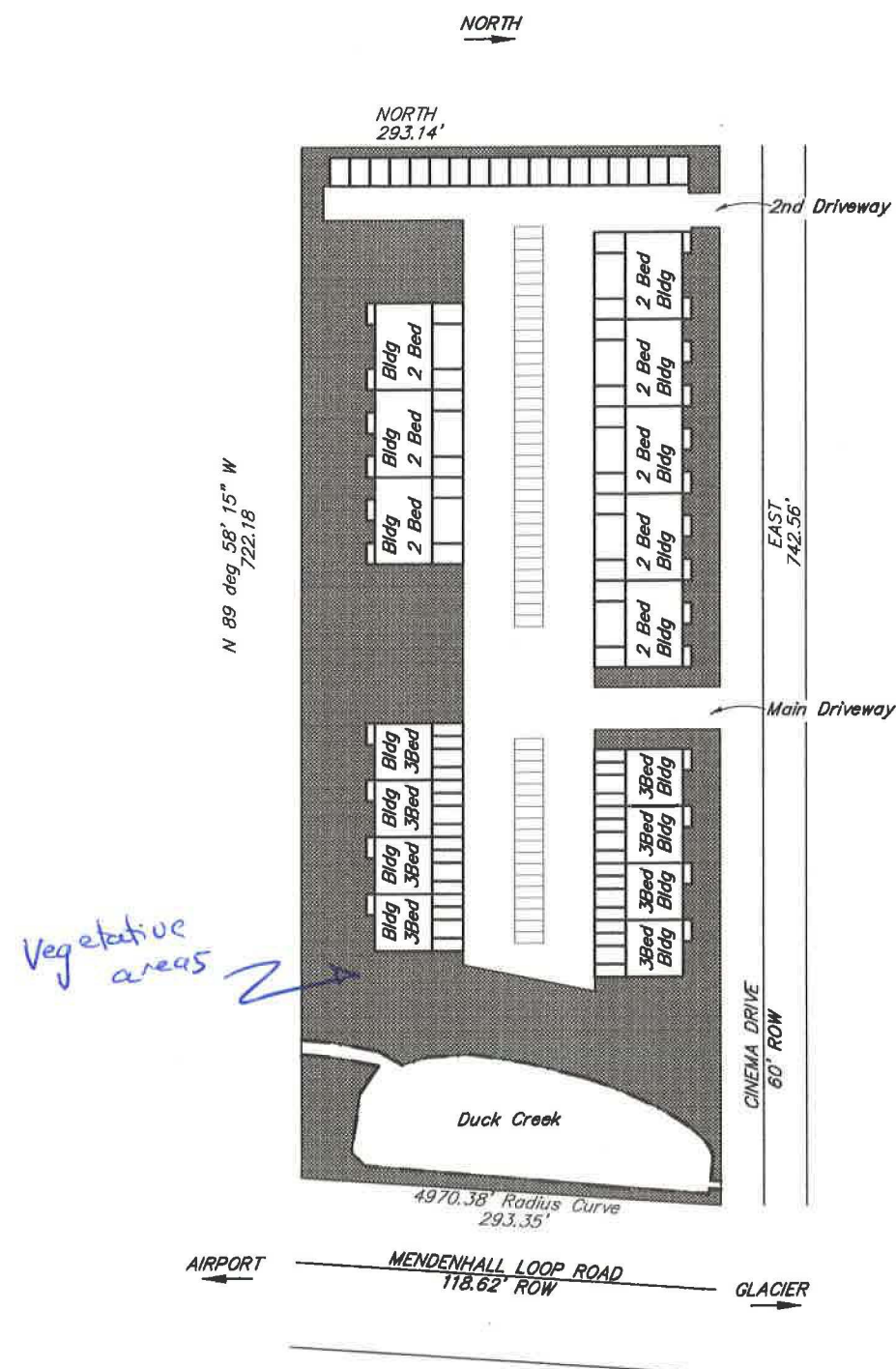
NOTES:

- 143 PROPOSED SPCS.:
 - 72 CARPORT SPCS.
 - 53 PARKING LOT SPCS.
 - 18 GARAGE SPCS.

138 REQUIRED SPCS.

CONSTELLATION DEVELOPMENT

Lot 2
Gross Subdiv.
PARKING PLAN



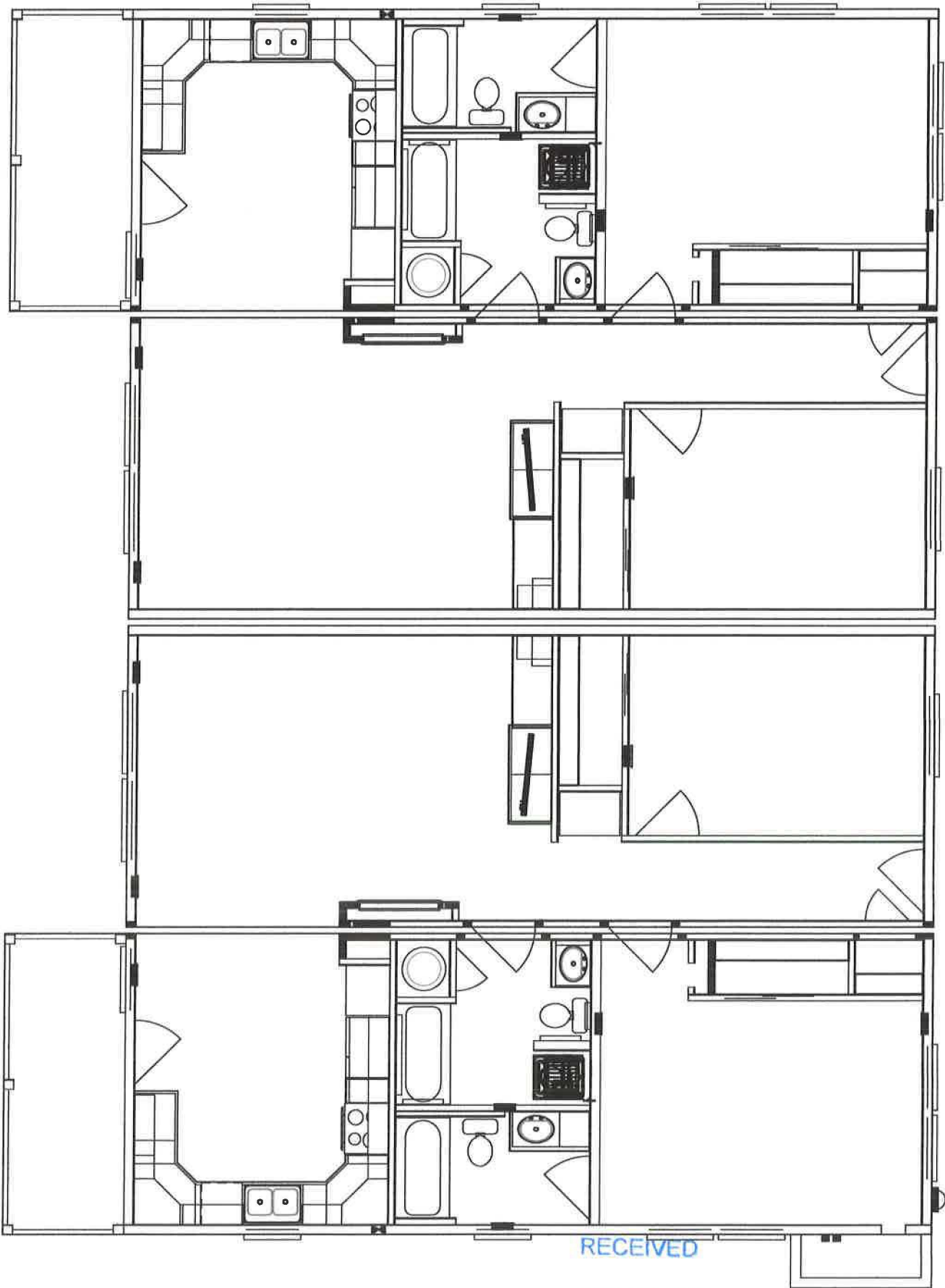
VEGETATIVE AREA
1/128" = 1'-0"

NOTES:
VEGETATIVE AREA > 30%

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APR 08 2019
PERMIT CENTER/CDD

CONSTELLATION DEVELOPMENT

Lot 2
Gross Subdiv.
VEGETATIVE AREAS



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APR 08 2019

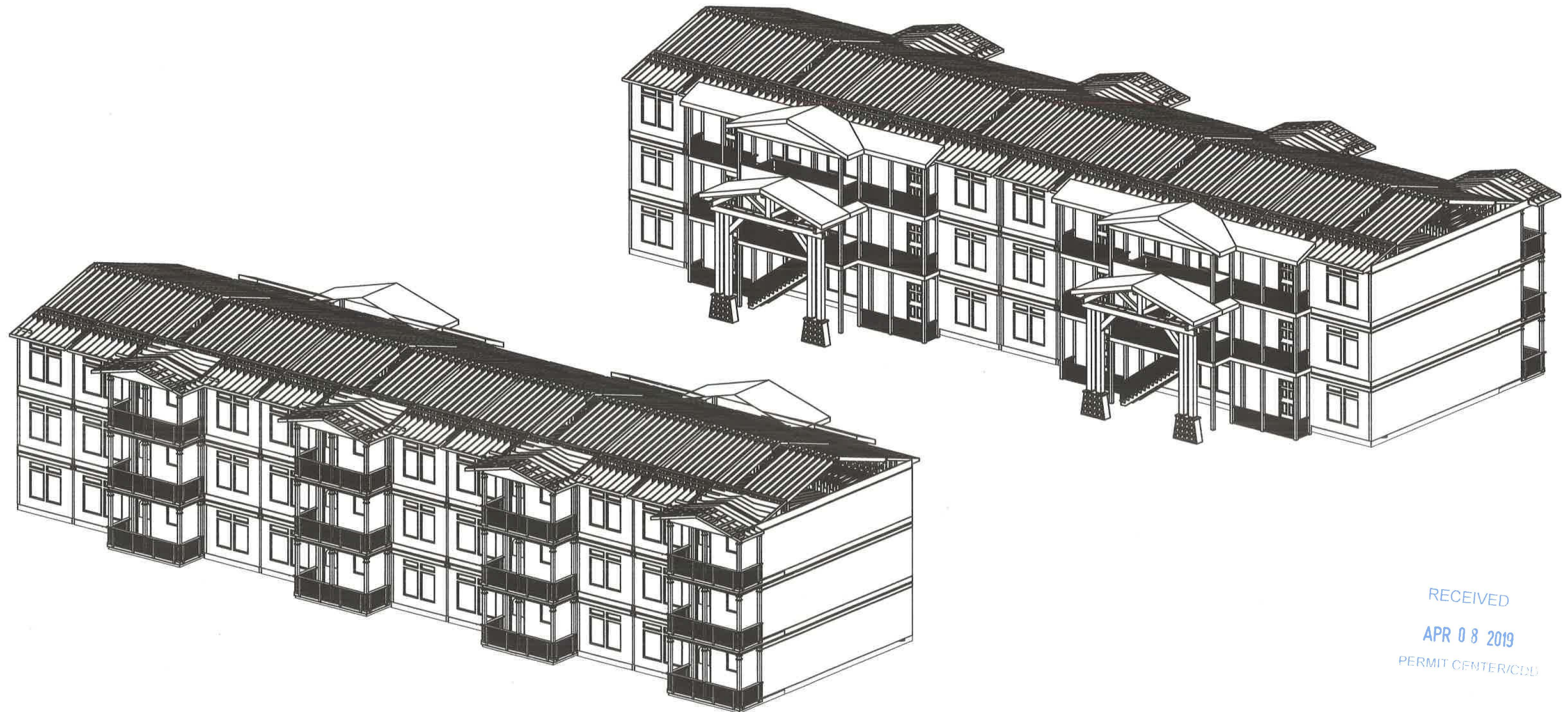
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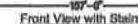


Attachment C - Floor Plan and Building Design



RECEIVED
APR 08 2019
PERMIT CENTER/CDD

Attachment C - Floor Plan and Building Design



C:\DRAWINGS - MODULAR Models\Alaska\3 story project - Cinema Drive\Cinema Drive Project.dwg, 4/4/2019 12:26:53 PM, CutePDF Writer

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REVISION LOG	VERSION DATE	
SHEET NO.	Description	Date
		BY

Designed By:	PHAN		Date:		Rev:
Drawn By:		Checked By:	Sol No.:		
Reviewed By:		Contr No.:			
Submitted By:			Print Scale:		
			Print Date: 4/4/2018 12:28:54 PM		



ELEVATIONS
CONSTELLATION DEVELOPMENT
JUNEAU AK
3 STORY PROJECT
Cinema Drive - 3 Bedroom Units

Sheet
Reference
Number:
A1.1

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RECEIVED
APR 08 2019
PERMIT CENTER/CAL

ELEVATIONS
CONSTELLATION DEVELOPMENT
JUNEAU AK
3 STORY PROJECT
Cinema Drive - 3 Bedroom Units

Sheet
Reference
Number:
A1.1

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REVISION LOGS		VERSION DATE	

Designed by:	PN:	
Drawn by:	Checked By:	Set No.:
Reviewed By:		Course No.:
Submitted By:		Pmt Score: Pmt Date: 4/4/2019 10:46:34 AM

G. IDA WAININGS - INDOLOGICAL MUSEUMS AND STUDY PROJECT - CARDINAL UNIVERSITY, CENTRAL LINE PROJECT, LOW



- Note:
- 1) The Set-up gap may be closed to any depth at the Discretion of the Site Contractor. Considerations must be made in the overall foundation dimensions. Palm Harbor Homes is not responsible nor will be held liable for such decision.
 - 2) Due to Restrictions in the Factory Build Process, any Required Firewall Assembly inside the Set-up gap area must be completed on site prior to the units being stacked and mated together. Site inspection may be required by the LAHJ.

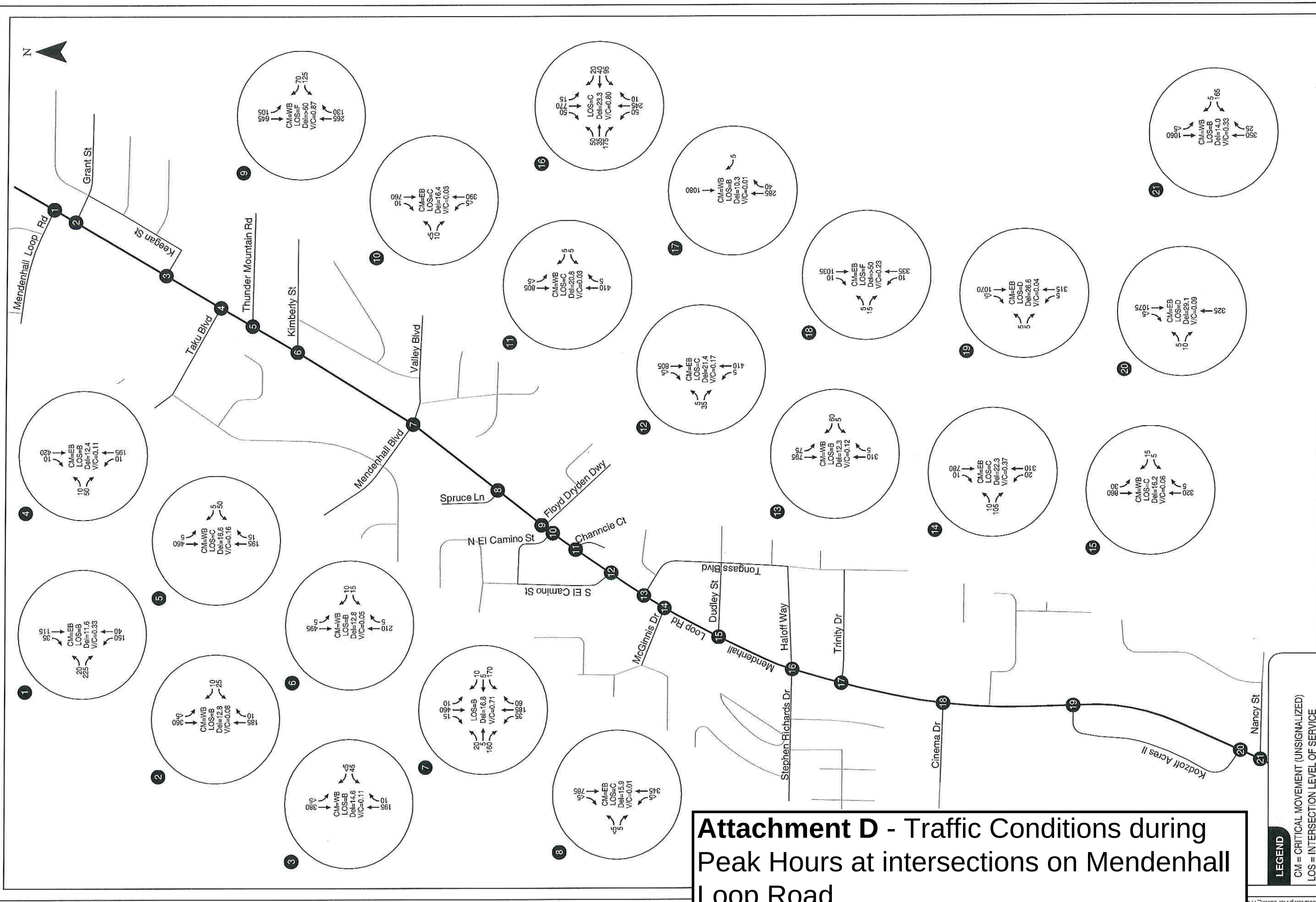
1' 4

PENNY CLINICAL

Wall

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October 2014



Attachment D - Traffic Conditions during Peak Hours at intersections on Mendenhall Loop Road

LEGEND

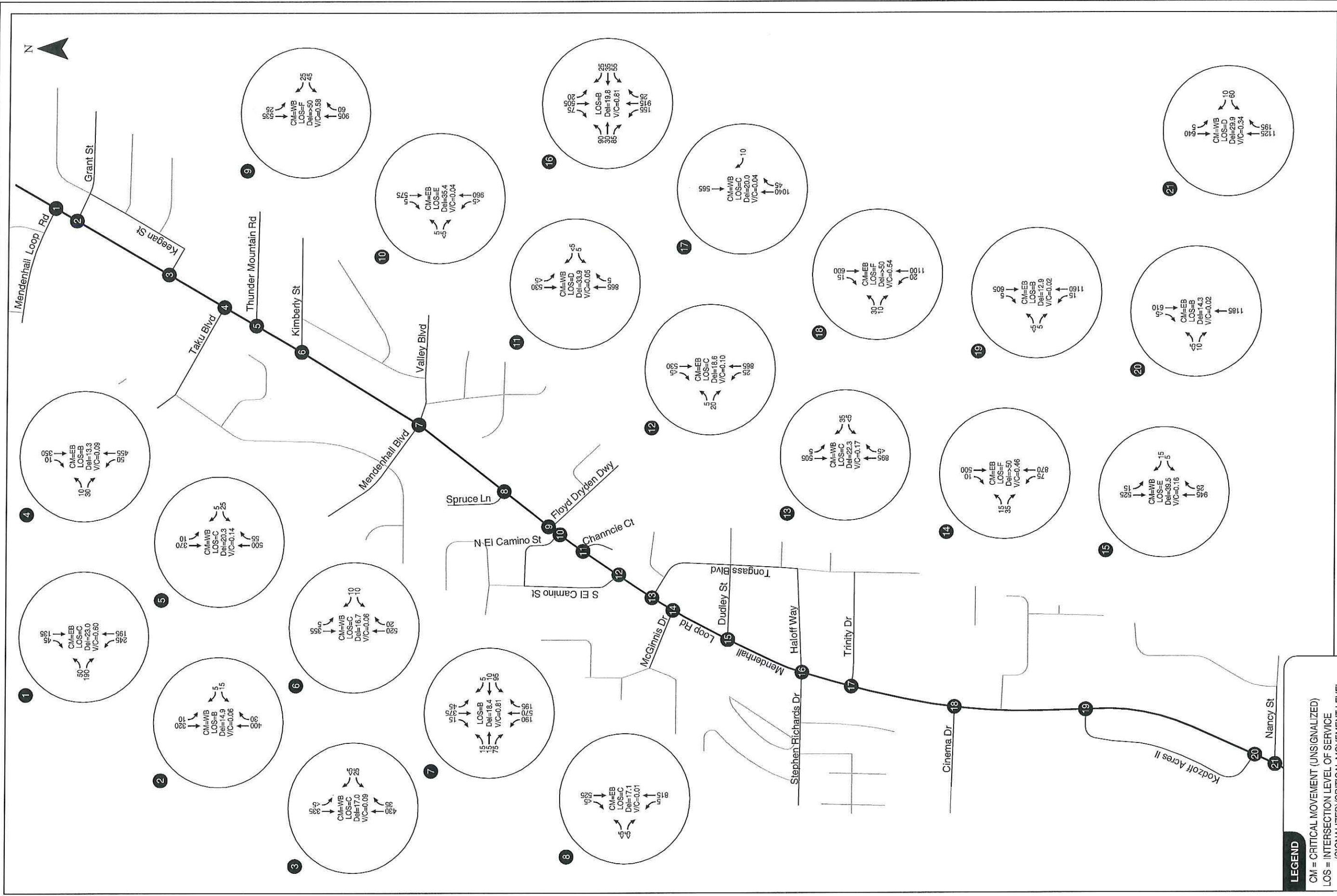
- CM = CRITICAL MOVEMENT (UNIGNALIZED)
- LOS = INTERSECTION LEVEL OF SERVICE (UNIGNALIZED)
- Del = INTERSECTION AVERAGE CONTROL DELAY (UNIGNALIZED)
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO

Existing AM Peak Hour Traffic Conditions Juneau, Alaska

Figure 17

October 2014

Mendenhall Loop Rd



Existing PM Peak Hour Traffic Conditions
Juneau, Alaska

Figure
18



**Looking down Cinema Drive
from Mendenhall Loop Road**

Attachment E - Site Visit Photos



**Looking down Cinema Drive towards
Mendenhall Loop Road Intersection**



**Duck Creek on the Subject
Parcel**



Uncleared Development Site

Laurel Christian

From: Goins, Christopher B (DOT) <christopher.goins@alaska.gov>
Sent: Friday, May 3, 2019 10:51 AM
To: Laurel Christian
Cc: Schmidt, Joanne M (DOT); Peters, Martin D (DOT); Epstein, David B (DOT)
Subject: RE: Mendenhall Loop Road Improvements
Attachments: Z676220000_Mendenhall Plans_20180516_Cinema Drive 30.pdf; Z676220000_Mendenhall Plans_20180516_Cinema Drive 107.pdf

Laurel,

Thanks for the opportunity to comment. I am sure there will be other questions/comments from staff at DOT&PF as this has been circulating this last week via other channels than me. Given this I will offer up a few of my own observations as they relate to the planning and construction of the Mendenhall Loop Road Project.

I recently submitted the project 95% plans to the CBJ Planning Department for local concurrence. You should have a plan set likely with Tim Felstead. Per the current funding and the plans submitted the proposed project would construct two roundabouts in the 2020 construction season. These two roundabouts are located at Steven Richards Memorial Drive (SRMD) and at Floyd Dryden. These proposed project improvements will not meet and the roundabout improvements at the intersection of SRMD only extend past Trinity Drive a little ways. This means we are not intending to make improvements in the near future at Cinema Drive.

That said, the Department has developed plans for Cinema Drive to a 75% level. I have attached both the F-sheet and the signing and striping to this e-mail for the Cinema Drive intersection. I doubt there is anything here specifically helpful for your project review, but you should have it anyway as we are considering placing a crossing, island, and flashing beacon to aid pedestrians to cross Mendenhall Loop Road.

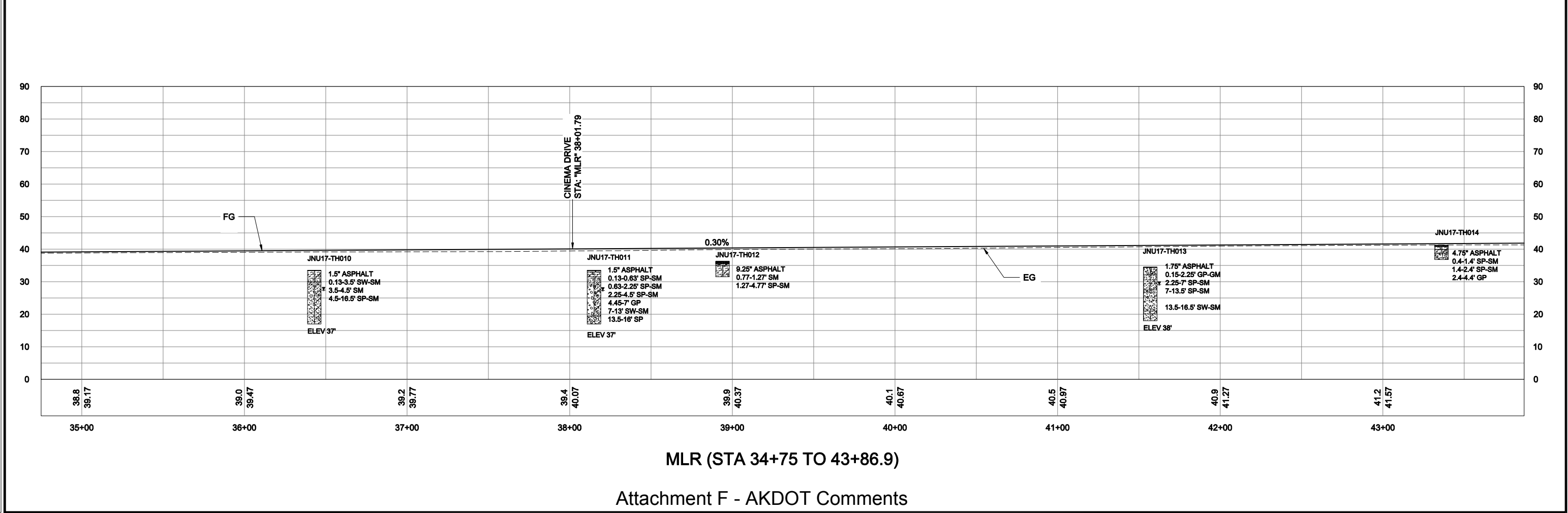
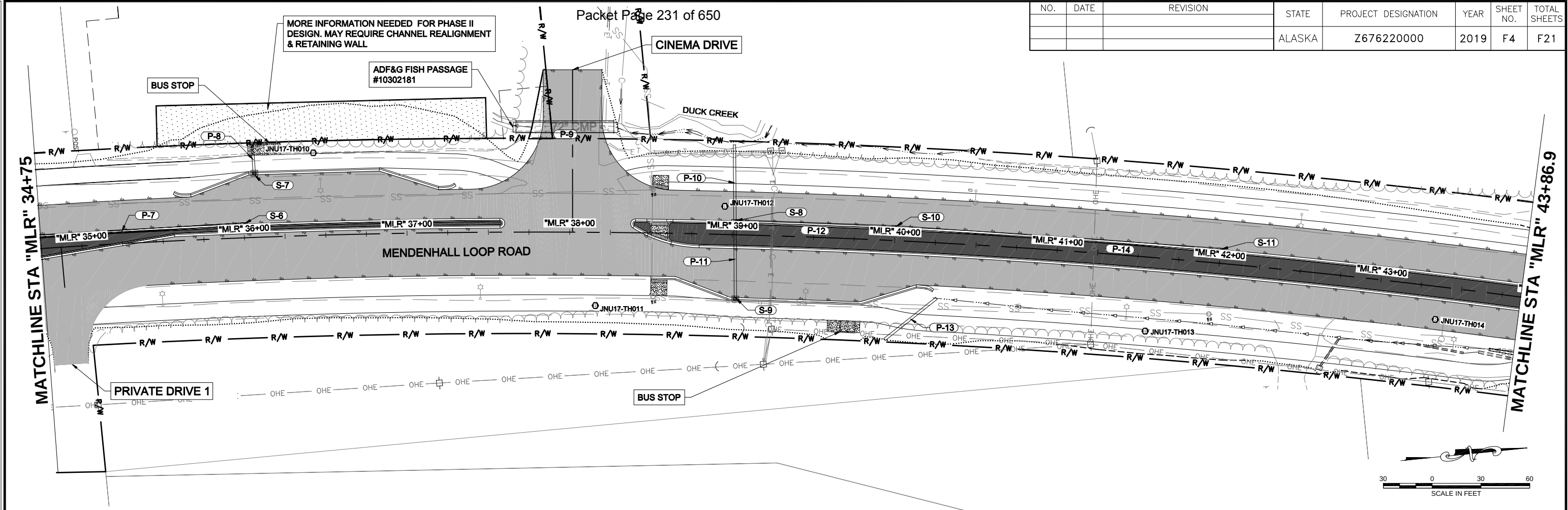
I would imagine if this condo development was to trigger over 100 trips in the peak hour the Department would need additional analysis from the applicant, but I will leave this to our regional traffic engineer to weigh in on.

The SRMD intersection improvements proposed for 2020 will lead to some improvement at Cinema Drive post construction. These operational improvements at Cinema Drive will result from a reduction in the delays of drivers heading north through the SRMD intersection during the peak PM hour. This is expected to result in less congested left hand turns out of Cinema Drive at this time. Other than this I would not expect the current proposed project to have a significant impact at Cinema Drive.

Thanks for seeking me out for comment and if you have further questions do not hesitate to ask.

Christopher Goins, P.E.
 Design Group Chief
 Alaska Department of Transportation and Public Facilities
 Southcoast Region
 Ph: (907) 465-4443

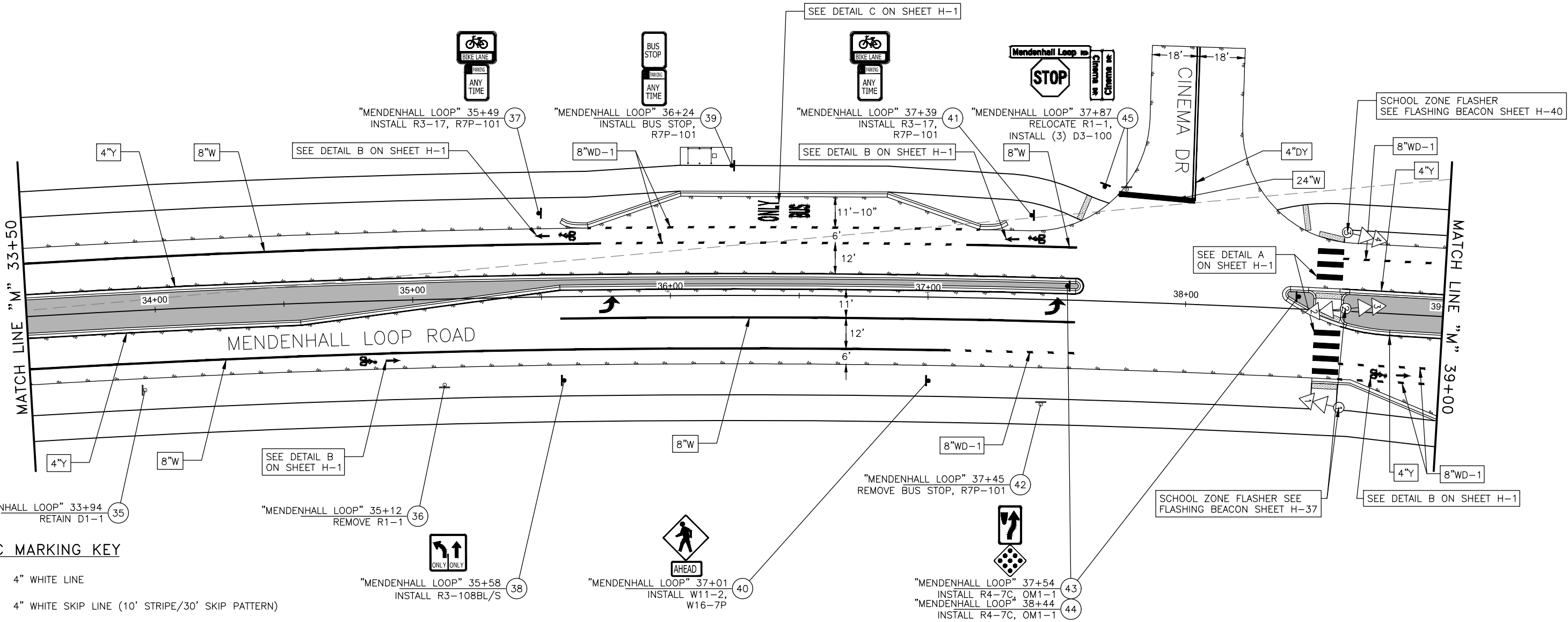




CERTIFICATE OF AUTH #:
RODEGRDTS
DRAFTED
NGUYEN
CHECKED
NGUYEN
DESIGNED
NGUYEN
PHONE
(907) 646-7995
1600 A STREET, SUITE 105, ANCHORAGE, AK 99501
H6
LAYOUT
5/16/2018
DATE
ADDRESS
FIRM
KITTELSON AND ASSOCIATES, INC.
FILE
H:\22\22336 - Mendenhall Loop Rd Final Design\Design\CD\67622_H_SIGNSTRIPING.dwg

Packet Page 232 of 650

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	Z676220000	2019	H6	H46

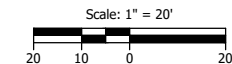
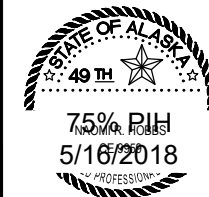


TRAFFIC MARKING KEY

- | | |
|------------|---|
| 4\"W | 4\" WHITE LINE |
| 4\"WS | 4\" WHITE SKIP LINE (10' STRIPE/30' SKIP PATTERN) |
| 4\"WD-1 | 4\" WHITE DOTTED LINE (2' STRIPE/6' SKIP PATTERN) |
| 4\"WD-2 | 4\" WHITE DOTTED LINE (3' STRIPE/9' SKIP PATTERN) |
| 4\"Y | 4\" YELLOW LINE |
| 4\"YS | 4\" YELLOW SKIP LINE (10' STRIPE/30' SKIP PATTERN) |
| 4\"DY | 4\" DOUBLE YELLOW LINE |
| 4\"Y TWLTL | 4\" YELLOW TWO-WAY LEFT-TURN LANE STANDARD |
| 8\"W | 8\" WHITE LINE |
| 8\"WD-1 | 8\" WHITE WIDE DOTTED LINE (2' STRIPE/4' SKIP PATTERN) |
| 8\"WD-2 | 8\" WHITE WIDE DOTTED LINE (3' STRIPE/9' SKIP PATTERN) |
| 12\"WD | 12\" WHITE WIDE DOTTED LINE (2' STRIPE/2' SKIP PATTERN) |
| 12\"WRE | 12\" WHITE ROUNDABOUT ENTRY (2' STRIPE/6' SKIP PATTERN) |
| 24\"W | 24\" WHITE LINE |
| STD | SEE STANDARD DRAWING |

NOTE:
DIMENSIONS ARE TO CENTER OF STRIPE OR STRIPE GROUP.

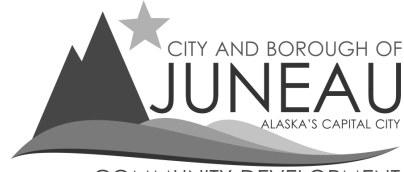
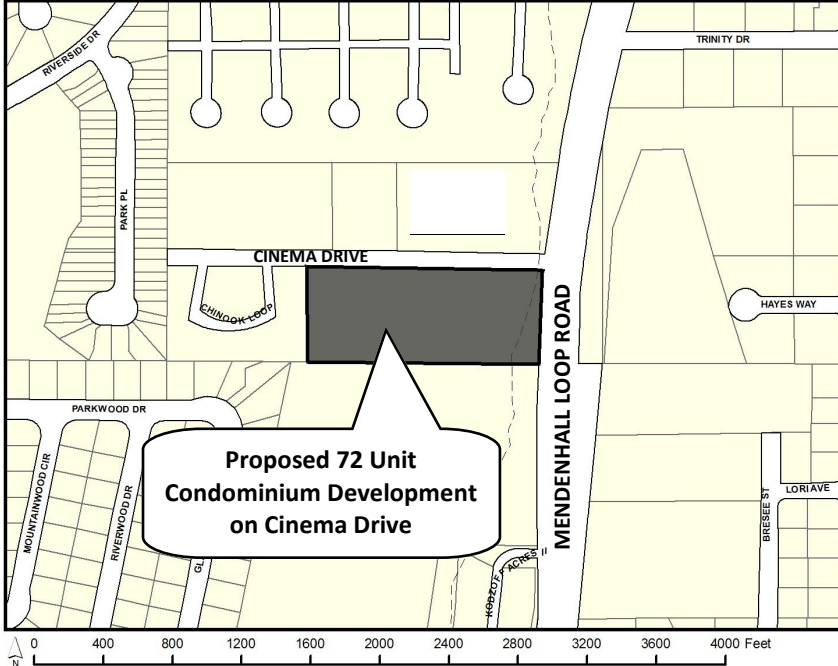
Attachment F - AKDOT Comments



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
**MENDENHALL LOOP ROAD
CAPACITY IMPROVEMENTS**
SIGNING AND STRIPING –
PLAN 5

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **72 unit condominium development** located on **Cinema Drive** in a **D15 zone**.

TIMELINE

Staff Report expected to be posted **Monday, May 20, 2019** at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

Comments received during this period will be sent to the Planner, **Laurel Christian**, to be included in the staff report.

May 7 through 12 noon, May 24

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 28, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: USE2019 0009
Parcel No.: 5B2101320030
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2019 0009

A Conditional Use Permit for a 72 unit condominium development

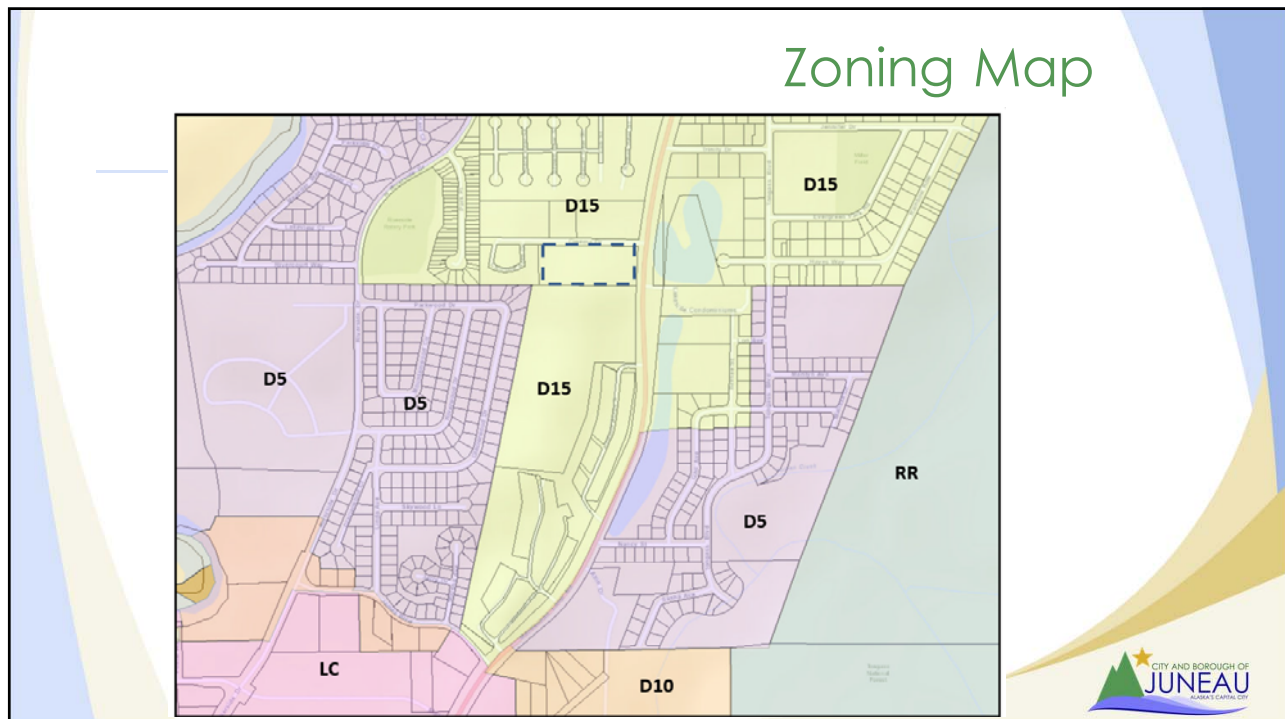
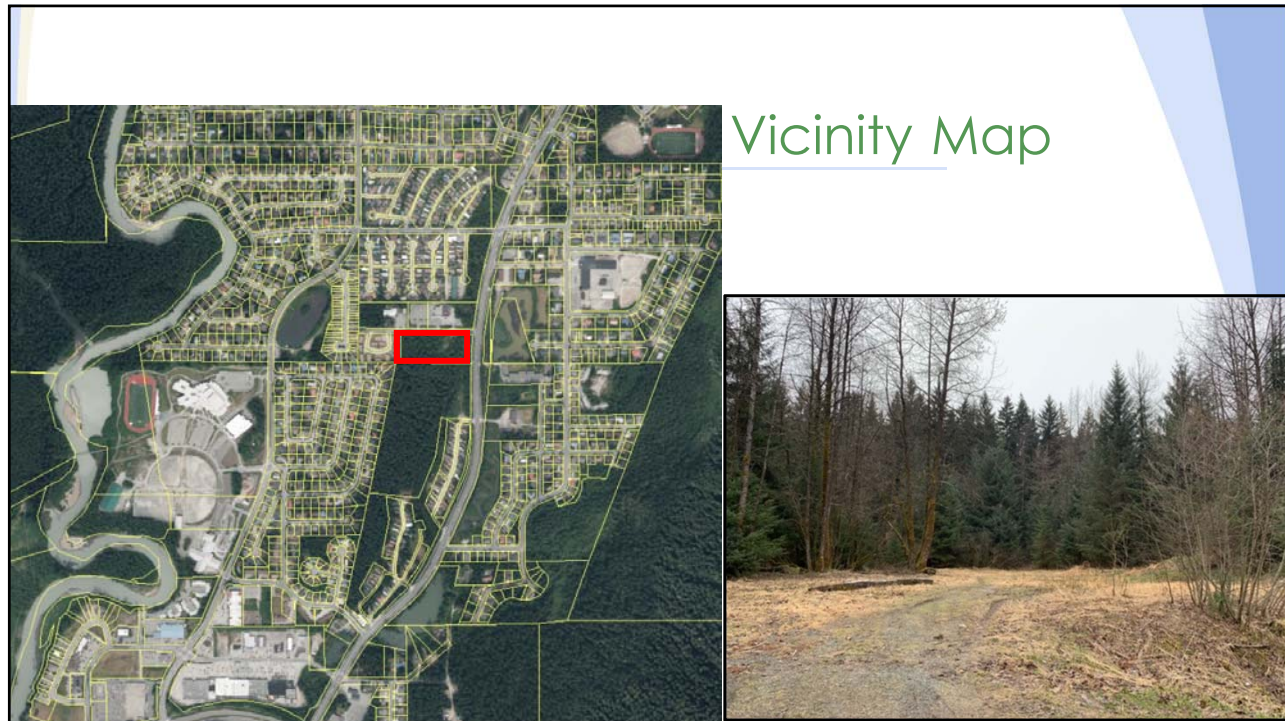
May 28, 2019 Planning
Commission Presentation

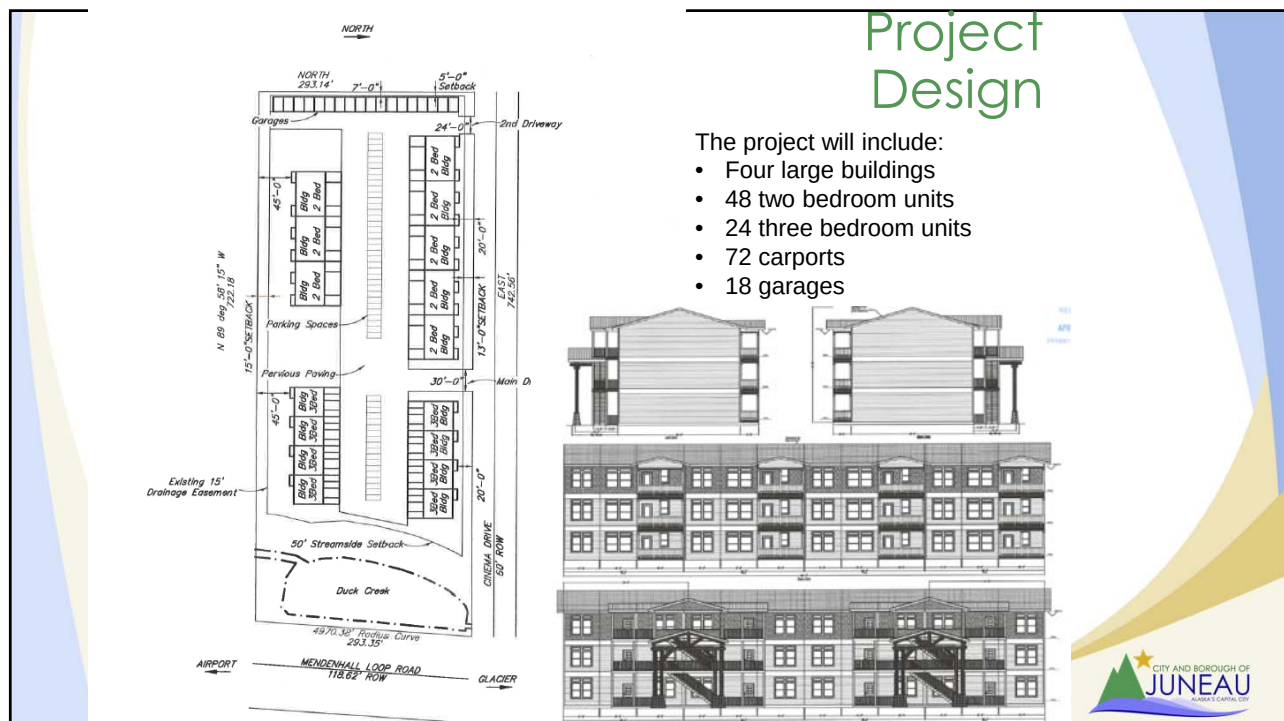
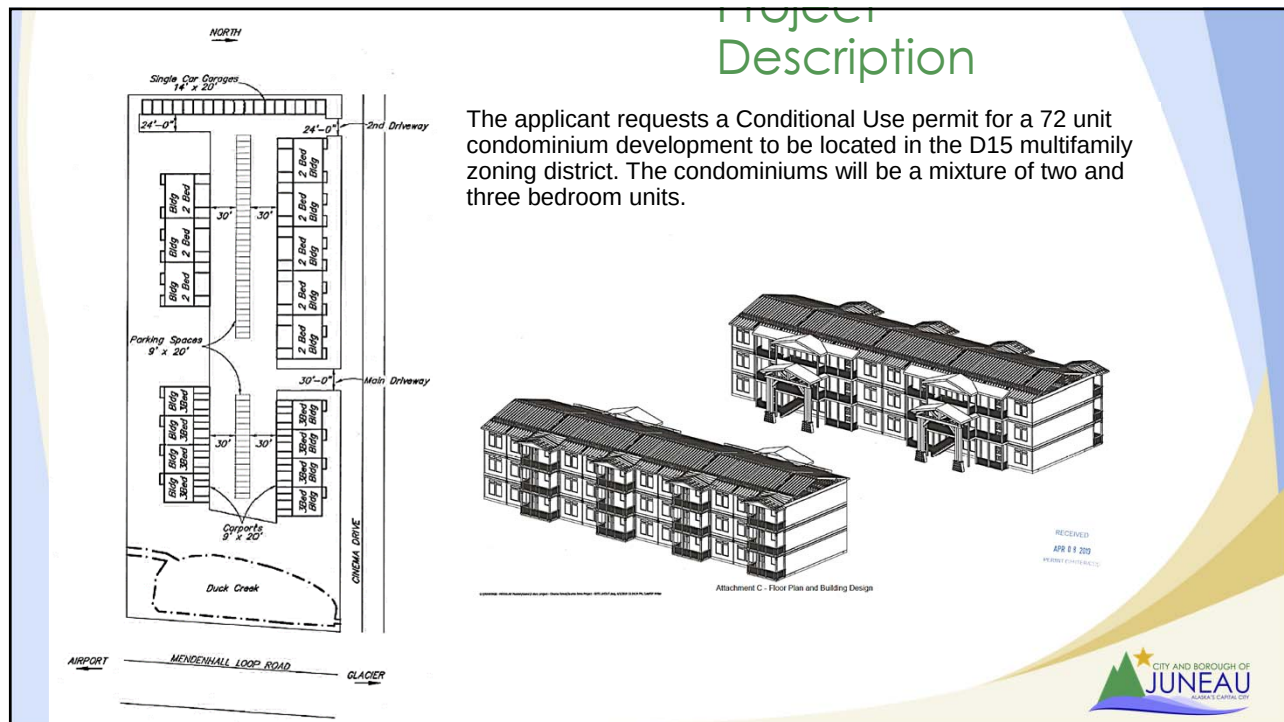


Background Information

Applicant:	Travis Arndt
Property Owner:	Gross Alaska, Inc.
Site Size:	214,402.32 St. Ft. (4.922 Acres)
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR)
Current Zoning:	D15 Multifamily
Proposed Use:	72 Condominium Units







Traffic

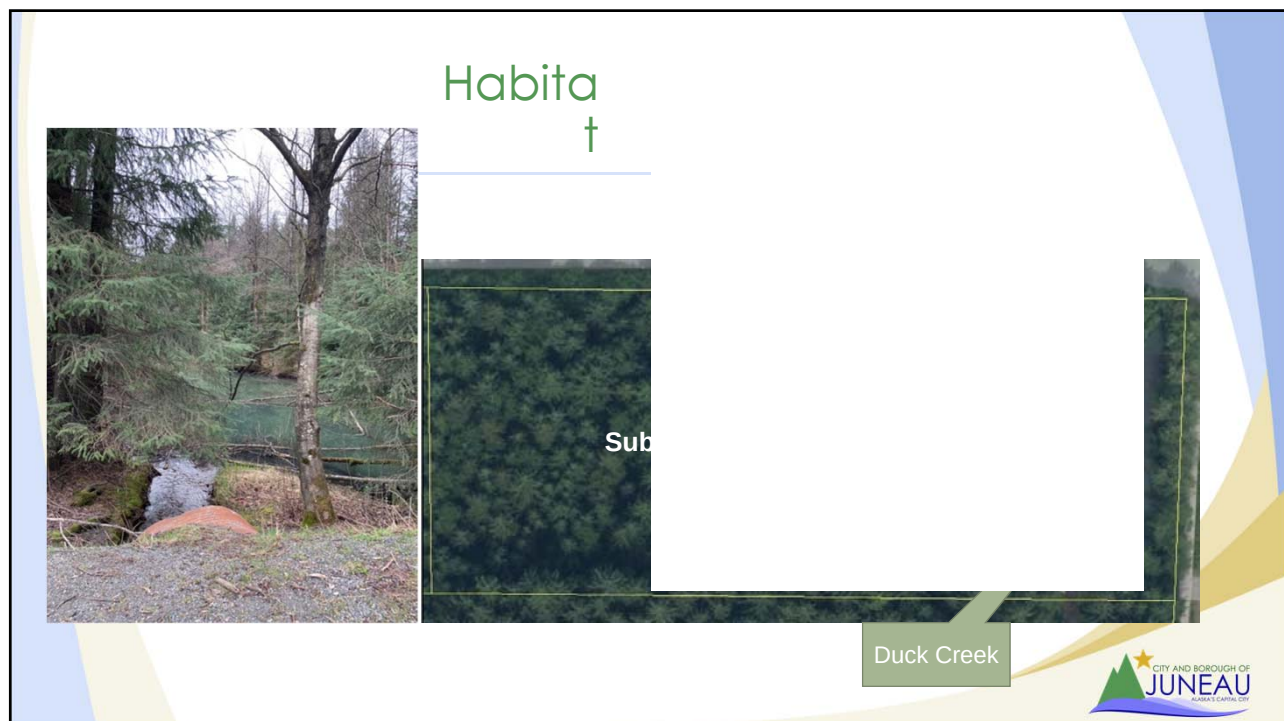
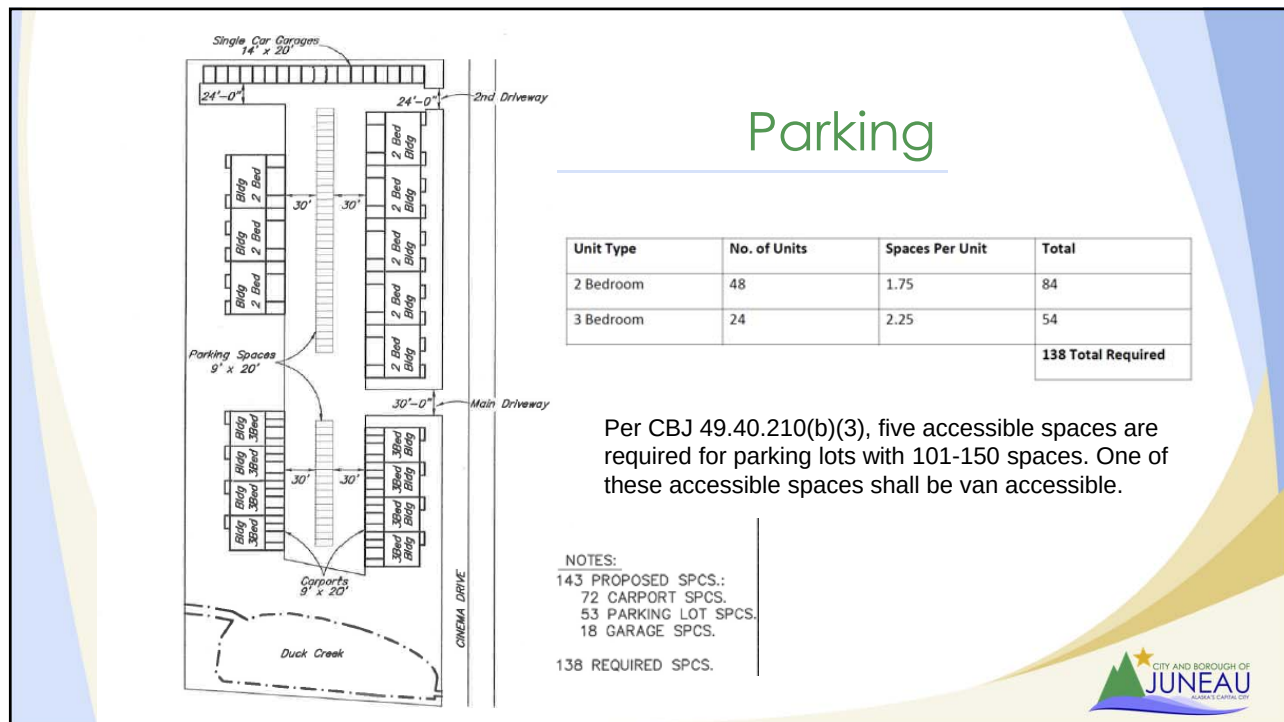
- The Institute of Transportation Engineers Manual categorizes condominiums as residential condos/townhouses (Land Use 230) and estimates that **each residence will generate 5.81 vehicle trips per day**, making the average daily traffic for the entire development to be **418 trips per weekday**.
- CBJ 49.40.300 states that when a development is projected to generate **250-500 average daily trips, the Director may determine whether or not a Traffic Impact Analysis is required**. At this time, the Director has determined that **no traffic impact analysis is required**, for the following reasons:
 - 1. The Alaska Department of Transportation (DOT) has determined that this size of development would not trigger a traffic impact analysis for the intersection of Mendenhall Loop Road and Cinema Drive.
 - 2. It is not likely that the developer would be allowed to work within the DOT Right-of- Way (ROW) on Mendenhall Loop Road if traffic mitigation was required. Additionally, improvements to Mendenhall Loop Road by DOT are planned and should alleviate traffic at this intersection (Attachment F).

Based on the Average Daily Trips Generated by this development, the street should have sidewalks on one side of the street. Staff is recommending, as a condition of approval, that the developer installs a sidewalk or a separated path along Cinema Drive for the length of the development. If a separated walking path is chosen, the developer shall record an easement for the public use of that path. This will ensure a safe route for pedestrians to the separated path along Mendenhall Loop Road or to the bus stop near the corner of Mendenhall Loop Road and Cinema Drive.



Traffic – 2014 DOT Traffic Study





Hazard Areas: Flood

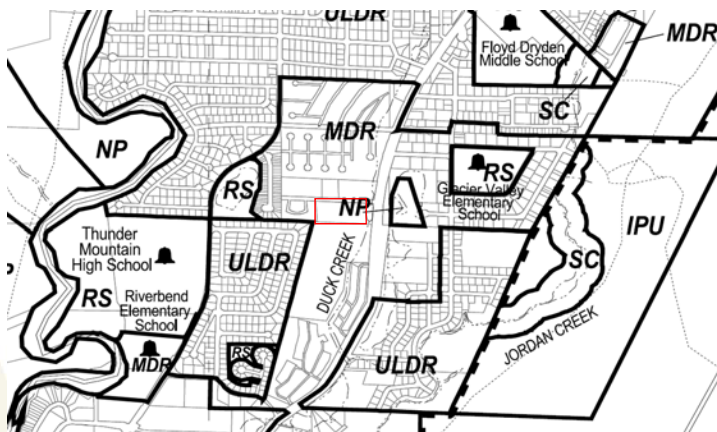


CBJ 49.70.400 holds building standards for structures in flood zones. It is not anticipated that any structures will be build in the flood zone because there is a 50 foot no development buffer along duck creek.



Conformity with Adopted Plans

2013 CBJ Comprehensive Plan



These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).



Conformity with Adopted Plans

2013 CBJ Comprehensive Plan

- POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS
- POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.
- POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.
- POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.
- POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.



Conformity with Adopted Plans

Staff finds the proposed development consistent with the following adopted plans:

2009 Juneau Non-Motorized Transportation Plan – The Juneau Non-Motorized Transportation plan sets goals to promote active transportation, installing sidewalks or a separated path would be consistent with goal 3 of the plan:

3. Improve Juneau's non-motorized transportation network and decrease the number of bicycle and pedestrian related accidents by identifying unsafe conditions, network gaps and deficiencies and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections and crosswalks.

2016 Housing Action Plan – The Housing Action Plan identifies a need for housing in Juneau; the proposed development will add 72 dwelling units to Juneau's housing stock. The proposed development is in general conformity with the Housing Action Plan as it helps to accomplish a goal the plan sets:

...1,980 newly constructed units for all housing types by the 30 year mark with an annual goal of 66 new units...



Findings

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the D15 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 17, 2019 and May 27, 2019 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right-of-Way.



Findings

4. Will the proposed development materially endanger the public health or safety?

No. There is no evidence that the proposed development will materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. There is no evidence that the proposed development will substantially decrease the value or be out of harmony with properties in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development has been found to be in general conformity with the CBJ Comprehensive Plan, Housing Action Plan, and the Juneau Non-Motorized Transportation Plan if sidewalks or a separated path are installed.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

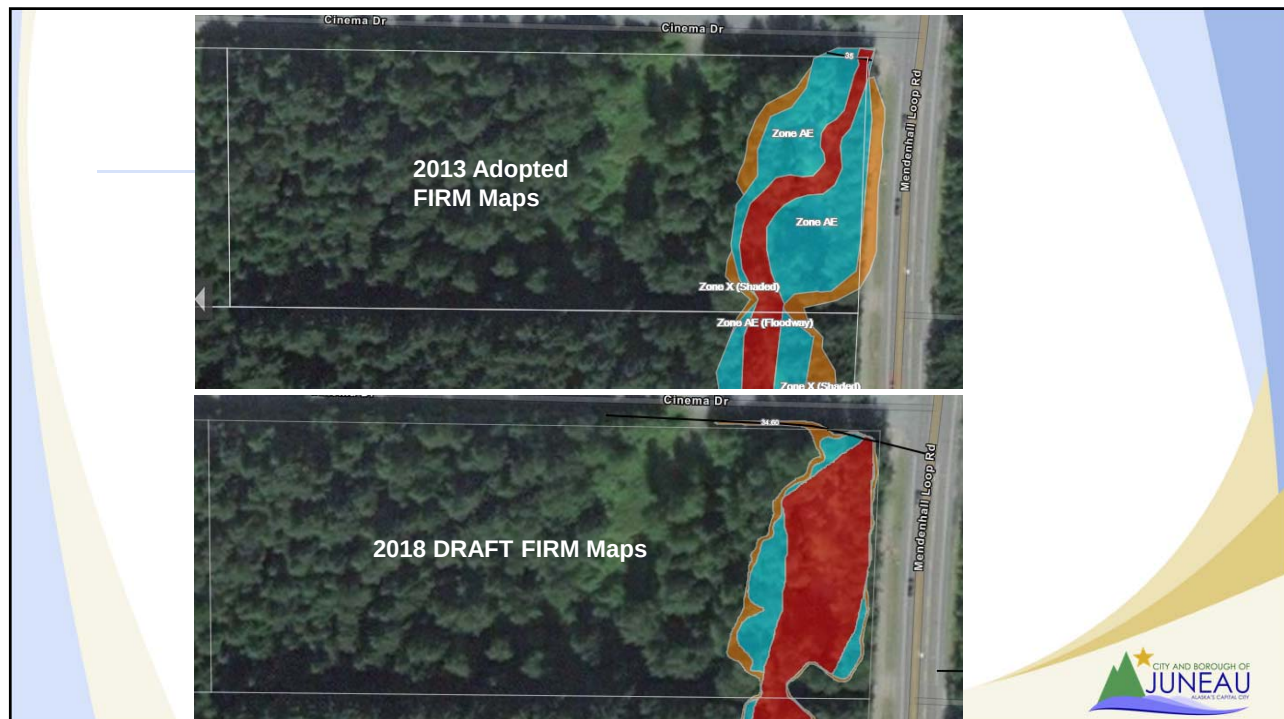


Recommendation

It is recommended that the Planning Commission **adopt the Director's analysis and findings and grant the requested Conditional Use Permit**. The permit would allow the development of a 72 unit condominium complex in a D15 zone.

The approval is subject to the following conditions:

1. Sidewalk or a separated walking path along Cinema Drive for the length of the development shall be installed by the Developer. If a separated walking path is chosen, the developer shall record an easement for the public use of that path.
2. The applicant shall submit a revised parking plan including the following information to be reviewed during the building permit process:
 - a. Accessible parking spaces
 - b. Pedestrian paths within the development.
3. Parking spaces shall be striped and signed with required accessible signage prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, the Developer shall submit a Homeowner's Association (HOA) Agreement that addresses the following:
 - a. Maintenance of the parking and circulation areas,
 - b. Maintenance of the required vegetative cover, and
 - c. Snow storage and disposal.
5. The applicant shall submit a lighting plan for review by the Department during the building permit process, the lighting shall be designed, located, and installed to minimize off-site glare.
6. The applicant shall submit a detailed drainage and snow storage plan to be reviewed during the building permit process.





Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF DECISION

Date: May 29, 2019
Case No.: USE2019 0009

Travis Arndt
10840 Lilac Drive
Juneau, AK 99801

Proposal: A Conditional Use Permit for a 72 unit condominium development

Property Address: Cinema Drive

Legal Description: Gross Lot 2

Parcel Code No.: 5B2101320030

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 16, 2019, and approved the Conditional Use Permit for a 72 unit condominium development to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Sidewalk or a separated walking path along Cinema Drive for the length of the development shall be installed by the Developer. If a separated walking path is chosen, the developer shall record an easement for the public use of that path.
2. The applicant shall submit a revised parking plan including the following information to be reviewed during the building permit process:
 - a. Accessible parking spaces;
 - b. Pedestrian paths within the development
3. Parking spaces shall be striped and signed with required accessible signage prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, the Developer shall submit a Homeowner's Association (HOA) Agreement that addresses the following:
 - a. Maintenance of the parking and circulation areas;
 - b. Maintenance of the required vegetative cover; and
 - c. Snow storage and disposal

Travis Arndt
Case No.: USE2019 0009
May 29, 2019
Page 2 of 2

5. The applicant shall submit a lighting plan for review by the Department during the building permit process, the lighting shall be designed, located, and installed to minimize off-site glare.
6. The applicant shall submit a detailed drainage and snow storage plan to be reviewed during the building permit process.

Attachments: May 16, 2019, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2019 0009.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

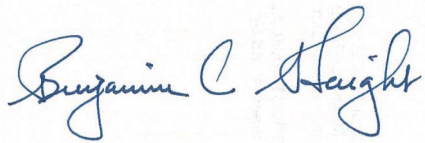
Effective Date: The permit is effective upon approval by the Commission, May 28, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or November 28, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

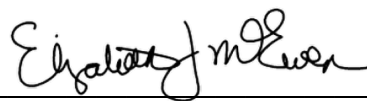
Project Planner:



Laurel Christian, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

5/31/2019

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 20, 2019

TO: Planning Commission

FROM: Amy Liu, Planner
Community Development Department

CASE NO.: USE2019 0010

PROPOSAL: A Conditional Use Permit for an accessory apartment above a detached garage on an undersized lot

A handwritten signature in black ink, appearing to read 'Amy Liu', is written over the printed name and title.

GENERAL INFORMATION

Applicant: Ronald Aline & Sandra Garcia-Aline

Property Owner: Ronald Aline & Sandra Garcia-Aline

Property Address: 19933 Cohen Drive

Legal Description: Tee Harbor Alaska, Block 4, Lot 9

Parcel Code Number: 8B3701040090

Site Size: 31,363 square feet

Comprehensive Plan Future Land Use Designation: Rural Dispersed Residential

Zoning: D1

Utilities: Onsite water and sewer

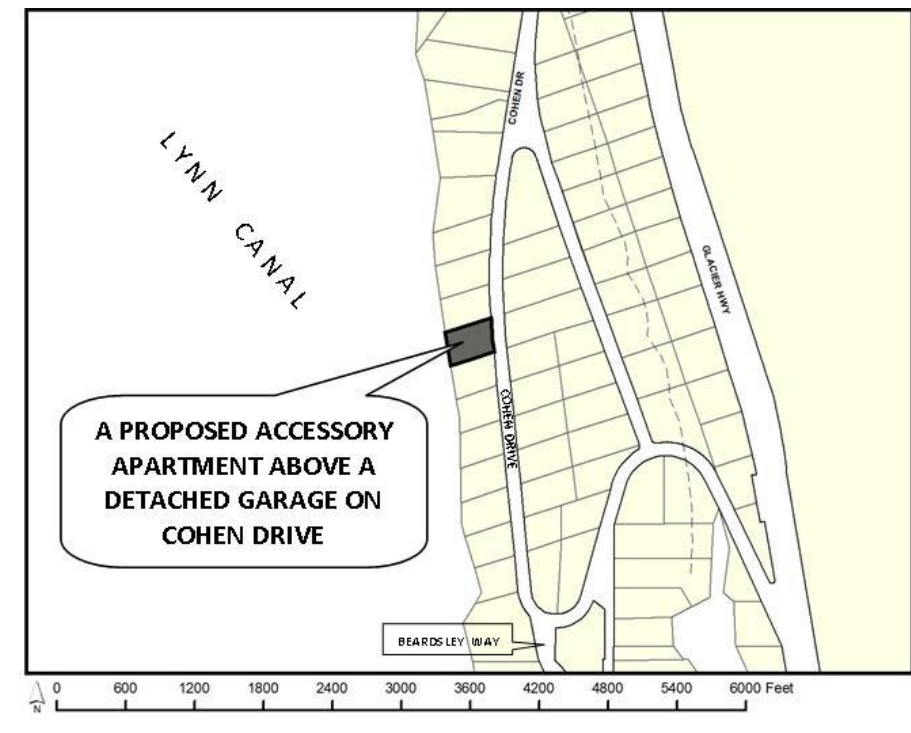
Access: Cohen Drive

Existing Land Use: Single family dwelling

Surrounding Land Use: North - Single family dwelling
South - Single family dwelling
East - Single family dwelling
West - Shoreline

Planning Commission
Case No.: USE 2019 0010
May 20, 2019
Page 2 of 8

VICINITY MAP



ATTACHMENTS

- Attachment A Application and narrative
- Attachment B Diagram provided by staff
- Attachment C Email from staff correcting previous guidance
- Attachment D Letters of support from neighbors
- Attachment E DEC approval of septic system
- Attachment F As-built and plat
- Attachment G Site plan
- Attachment H Photos of subject lot and photos of neighboring properties
- Attachment I Pre-application report
- Attachment J Construction drawings
- Attachment K Email from applicant clarifying proposed setback on drawing

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 600 square foot accessory apartment above a proposed detached garage on a lot that does not meet the minimum lot size for the D1 zoning district.

Planning Commission
Case No.: USE 2019 0010
May 20, 2019
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BACKGROUND

The subject lot measures 31,363 square feet in area, between 151.91 feet – 153.82 feet in width, 203.54 feet – 213.52 feet in depth. The lot is located in the D1 zoning district. The minimum lot size for the D1 zoning district is 36,000 square feet, and the minimum width and depth are each 150 feet. The parcel was platted in the Tee Harbor Subdivision and recorded in 1967, which makes the lot area legally non-conforming, while the width and depth are conforming. According to the Assessor's Office database, the dwelling was constructed in 1984. The existing dwelling meets currently required yard setbacks of 25 feet from the front, 25 feet from the rear, and 15 feet from each side (Attachment F).

PUBLIC COMMENT

Letters of support for the proposed apartment and a requested administrative variance (VDM2019 0003) have been provided by adjacent neighbors (Attachment D). A neighbor across the street inquired about whether his view of the water would be impacted. Upon review of the elevation and site plan, he did not have concerns.

ANALYSIS

Project Site – The existing dwelling has a gross living area of 1,494 square feet. The subject parcel has frontage and vehicle access on Cohen Drive.

Topography is variable and steep. The grade is approximately 85% between the site for the garage/apartment and the right-of-way (ROW). The grade of the driveway is about 20%. CBJ Engineering shared several comments concerning issues that would be addressed during the building permit review. Any portion of the driveway that is steeper than 2:1 will be required to be engineered. The wall retaining the soil will be reviewed as a foundation cut into the hillside. All associated slopes that are steeper than 2:1 will need to be engineered. The closed drainage discharge will need to be reviewed to see if an oil/water separator is needed before discharging into the ocean.

The proposed structure (garage/apartment) will sit at the same elevation as the existing single family home. The first level of the home is approximately 10 feet below the ROW and 51 feet away from the ROW. There is a parking pad level with the ROW. One car may be parked on the pad. The pad is currently undergoing reconstruction. The slope supporting the pad is reinforced by boulders and logs, the latter showing signs of rot. The boulders and logs encroach onto the neighboring property by approximately 28 square feet. An inspection performed by Chilkat Engineering on June 22, 2017, concluded that the "log and rock retaining wall supporting the upper carport is a non-engineered structure and should be budgeted for removal in the near future. The logs are rotted beyond repair. The entire structure should be removed" (Attachment A).

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The new pad will not encroach onto the neighboring property and will consist of concrete. The deteriorating logs will be replaced by the garage/apartment structure. This structure is partly intended to reinforce the parking pad. Additional grading and paving for the garage and existing single family home to address drainage is anticipated. A new septic system, which has been approved by the Alaska Department of Environmental Conservation (DEC), will replace a septic system originally installed in the early 1980's (Attachment E).

Project Design – The proposed accessory apartment will be above a proposed detached garage. The proposed accessory apartment will have a net floor area of 600 square feet. The garage below will also have a net floor area of 600 square feet. The apartment consists of one bedroom, one bathroom with laundry, one living room, and one kitchen.

The structure is proposed to be 23.2 feet from the front lot line, 13.3 feet from one side lot line, more than 15 feet from another side lot line, and more than 25 feet from the rear lot line. The front setback is reduced to 22.92 feet per 49.25.430(4)(F), which states that if the natural gradient of a sloping lot from front to rear exceeds 25%, the front yard setback shall not be less than the established yard of a dwelling, not including accessory structures, which occupies an adjoining lot. The rear setback is reduced to 0 feet per 49.2.430(4)(G) due to the shoreline (Attachment B)¹.

The applicant applied for an administrative variance, VDM2019 0003, to reduce the northern side setback from 15 feet to 13 feet for the proposed structure. The administrative variance was approved, and analysis of the variance can be found in the corresponding staff report.

CBJ 49.25.510(k) requires that accessory apartments must:

Meet all setback requirements.

The garage/accessory apartment will meet the required setbacks for the D1 zoning district; 25 feet for the front yard, 25 feet for the rear yard, and 13 feet for the side yard (a reduction of the 15 foot requirement for the side yard was granted with VDM2019 0003). The reduced front yard setback of 22.92 feet, per 49.25.430(4)(F), is also met.

Not exceed the maximum lot coverage.

The existing single family dwelling and garage/apartment will not exceed the maximum of 10% lot coverage allowed in the D1 zoning district.

Not violate vegetative cover requirements.

There is no proposed change in vegetation. The vegetative cover requirement for the D1 zoning district is 20%, or 6272.6 square feet. Given that approximately 17,000 square feet between the existing single family dwelling and the shoreline consists of live vegetation, the vegetative cover requirement is met.

¹ This diagram, provided by staff, illustrates erroneous guidance based on the mislabeled as-built.

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Meet the parking standards.

As discussed below, there is adequate space on the parcel for three parking spaces.

Be connected to public sewer or the existing wastewater disposal system has adequate capacity.

The parcel is served by public water. According to CBJ Engineering & Public Works, a water meter will be required and will be reviewed during the building permit review process. DEC approved construction to update an onsite septic system to support the existing dwelling and proposed structure.

Traffic – According to the Trip Generation Manual, published by the Institute of Transportation Engineers, an apartment generates 6.65 average vehicle trips per day, and a single-family home generates 9.52 average vehicle trips per day. The addition of 6.65 average vehicle trips per day is not expected to have any significant impacts on traffic in the neighborhood. Per CBJ 49.40.300(a)(1), a traffic impact analysis is not required for projects that are projected to generate fewer than 500 average daily trips.

Parking and Circulation – Per CBJ 49.40.210(a), single-family homes must have two off-street parking spaces, and accessory apartments are required to have one off-street parking space. The site plan shows a total of five off-street parking spaces on the lot. One parking space is provided on the parking pad. Two parking spaces will be provided inside the proposed garage, and there will be adequate room for one parking space outside the proposed garage (Attachment G).

Noise – Noise associated with the proposed accessory apartment is not expected to be out of character with the existing residential neighborhood.

Public Health or Safety – There is no evidence that the proposed accessory apartment will threaten public health or safety.

Habitat – There are no habitat issues on the lot. The VE flood zone is approximately 45 feet from the single family dwelling, which is closer to the coast than the proposed accessory apartment. Neither structure is expected to be at risk for flood.

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence that the proposed accessory apartment would negatively affect property values or neighborhood harmony.

Conformity with Adopted Plans –

2013 Comprehensive Plan - Chapter 3, Policy 3.2 addresses housing and development patterns and compact development:

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Policy 3.2 to promote compact urban development within the designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective provision of community services and facilities while balancing protection of natural resources, fish and wildlife habitat and scenic corridors.

The proposed accessory apartment will be within the Urban Service Area and be connected to public water. There are no anticipated negative impacts on natural resources or habitat.

Chapter 4 of the 2013 Comprehensive Plan addresses the need for various types of housing:

Policy 4.2 to facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

Planning Commission
Case No.: USE 2019 0010
May 20, 2019
Page 7 of 8

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The proposed use is listed at CBJ 49.25.300, Section 1.130 for single family detached dwelling unit with an accessory apartment in a D1 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 17, 2019, and May 27, 2019, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. A Public Notice Sign was posted on the subject parcel, visible from the public right-of-way.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the above analysis, there is no evidence that suggests the development of a detached 600 square feet accessory apartment on a 31,363 square feet lot will materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the above analysis, there is no evidence that suggests the development of a detached 600 square feet accessory apartment on a 31,363 square feet lot will substantially decrease the value of or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. Based on the above analysis, the proposed development of an accessory apartment that is 600 square feet or less on an under-sized lot is found to be in general conformity with the land use code and the Comprehensive Plan.

Planning Commission
Case No.: USE 2019 0010
May 20, 2019
Page 8 of 8

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 600 square foot accessory apartment above a detached garage.



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 19933 Cohen Drive, Juneau, Alaska 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Tee Harbor, Block 4, Lot 9		
	Parcel Number(s) 8B3701040090		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Ronald Aline & Sandra Garcia-Aline	Contact Person Ronald Aline (801) 597-5873 / Sandra Garcia-Aline (801) 232-0598	
	Mailing Address PO Box 23031, Juneau, Alaska 99802	Phone Number(s) 801-597-5873 / 801-232-0598	
	E-mail Address ron.aline_907@yahoo.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Ronald Aline</u> Landowner/Lessee Signature <u>4/8/19</u> Date X <u>Sandra Garcia-Aline</u> Landowner/Lessee Signature <u>4/8/19</u> Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X _____ Applicant's Signature Date of Application			

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

USE
VAR.

Attachment A

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials AL	Date Received 4/8/19
Case Number USE 19-10	



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

Construct a detached two-vehicle garage with an accessory apartment above garage. Grade, pave and install drainage system to handle water runoff. Replace aging interlocking log system holding up parking pad with concrete structure and boulders. Install an upgraded septic system and decommission existing septic tank.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☒ Accessory Apartment – Accessory Apartment Application (AAP)

☐ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____ 49.25.300.1.130

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 31,363 square feet Total Area of Existing Structure(s) (MLS 16618) 2,277 square feet

Total Area of Proposed Structure(s) Total 1,350 (Garage 750; Apt 600) square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>350.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>500.00</u>			

Attachment A

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received



ACCESSORY APARTMENT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant	PROJECT SUMMARY: Construct a detached two-vehicle garage with an accessory apartment above garage. Grade, pave and install drainage system to handle water runoff. Replace aging interlocking log system holding up parking pad with concrete structure and boulders. Install an upgraded septic system and decommission existing septic tank.	
	ACCESSORY APARTMENT DESIGN	
	☐ Attached to or Within a Single-Family Dwelling ☐ Associated With a Detached Garage ☐ Within a Two-Unit Common-Wall Dwelling ☒ Not Affiliated with Another Structure (Stand alone)	
	AREA OF APARTMENT Net Floor Area <u>600</u> square feet Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.	
PARKING Existing Spaces <u>3</u> Total Proposed Spaces <u>4</u> (Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)		

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SITE INFORMATION				
ZONING DISTRICT <u>D1</u>		UTILITIES AVAILABLE		
MINIMUM LOT SIZE (49.25.400) <u>34,000</u>		WATER: ☒ Public ☐ On Site		
ACTUAL LOT SIZE <u>31,363</u>		SEWER: ☐ Public ☒ On Site		
Permitting Process:		☐ Departmental Review ☒ Planning Commission ☒ Pre-Application Conference held ☒ Narrative and Pre-App notes attached		
Fees (Departmental Approval)	Fees	Check No.	Receipt No.	Date
Application Fees	<u>See Building Permit</u>			
Fees (Conditional Use Permit)				
Application Fee	\$ _____			
Public Notice Sign Fee	\$ _____			
Public Notice Sign Deposit	\$ _____			
Total	\$ _____			

Attachment A

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received

Legal description: Tee Harbor BL 4 LT 9, Parcel Number: 8B3701040090

Narrative for Accessory Apartment

Current use of land: The land is currently used as residential property with a single house dwelling. The parcel size is 31,363 sq. ft. The lot has a parking pad off of Cohen and then a short driveway that leads down to the house. Currently there is no garage on the property. There is an existing parking pad that is constructed with an interlocking logs approach. Beyond the logs, large boulders are used. We assume it was built when the home was constructed back in 1984 with horizontal logs locked in place leaning against growing trees to add additional support to the pad. The logs are aged and have signs of rotting.

Description of Project: The project consists of a two-car detached garage with a 600 sq. ft. accessory apartment on top of the garage. The garage will be at ground level with the residence. The apartment (on top of the garage) is at ground level with the parking pad. Pertaining to the parking pad, we are developing a new concrete structure (also utilizing existing boulders on north side) to replace the log structure that currently supports the parking pad (improving what may become a safety concern in the future – please refer to attached pictures of logs currently supporting the parking pad). **It is important to note: The structure will serve as both the walls to the garage and the structure to support the parking pad.** The structure will also fix an encroachment (existing parking pad) on our neighbor's yard that was not disclosed by previous owner. Grading and paving for the garage and home will be done to address existing and future water runoff. In addition, a new septic tank will be constructed to replace the tank that currently exists (we assume was installed back in 1984). The old septic tank is called out on the drawings to be decommissioned in place in accordance with DEC requirements. Beyond the foot print of the structures and parking areas, the rest of the lot is naturally vegetated with existing trees and shrubs that are natural to the area. Traffic flow in the area consists mainly of local traffic as Cohen has no outlet and dead-ends a short distance from our home.

Proposed use of land or building: The land use will continue as it has in the past. The parking pad and area by the existing home will continue to be utilized for parking. The garage will be used to park vehicles in and used as storage for sporting equipment etc. for the current home dwelling. The apartment will be used as a rental and may be used when family visits the area. The apartment will have one designated parking spot. In addition, we have aging parents that may need to occupy the apartment in their senior years which offers an affordable option for obtaining housing in Juneau.

Lighting: Apartment - The lighting as outlined in the plans will include sconce lighting on the east side of the apartment by the door (please refer to drawings). Sconce lighting will mainly cast light along the wall or be lantern like in nature. The lighting on the west side of the apartment (located by door to kitchen and sliding doors to bedroom) as outlined in the plans will be similar in nature. There will be six inch can lighting installed in soffit per the drawings. **Garage** - The motion lighting on the garage will serve as lighting for safety and to see approach into the garage per the drawing – south side. Sconce lighting on the south side and west side of garage will serve as lighting similar to the sconce lighting of the apartment mainly casting light along the wall or lantern like in nature. It is important to note that the garage is at the level of the main home which is well below the level of the road (please refer to plans/drawings). No lighting is expected to shine beyond property lines.

Parking: Parking is shown to scale on drawings. Two parking spots shown in garage. One parking spot shown lower level where the main house exists, and one spot on the parking pad at ground level with the apartment.

How the proposed use complies with the Comprehensive Plan: Land use is in accordance with zoning requirements for Cohen Drive lots (residential single family and duplex). The project complies with the Housing Element of the Comprehensive Plan (Plan). It upgrades the septic tank to a newer up-to-date model. The parking pad structure will be completely redone providing a positive safety influence well above the existing interlocking log approach. The grading and drainage will greatly improve water runoff in the area. The garage will be utilized by the current home as a place to park vehicles and store sporting equipment etc. The apartment will be utilized as a rental property.

The plan indicates that a variety of dwelling unit types and sizes need to be provided throughout the borough, but particularly within the roaded area. Also, per the Plan, as housing choice is influenced both by lifestyle and income, CBJ government should encourage and facilitate provision of a variety of affordable housing opportunities to its residents including: Single family detached and attached housing, condominiums, apartments, efficiency units or Single room occupancy units... In addition, the project is in alignment with the following policies:

- Facilitate the provision of maintenance of safe, sanitary, and affordable housing for CBJ residents
- Facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups

Note: DEC has approved the septic system for proposed apartment.

CHILKAT ENGINEERING LLC
P.O. BOX 211044 • AUKE BAY, AK • 99821
PHONE: (907) 321-0219

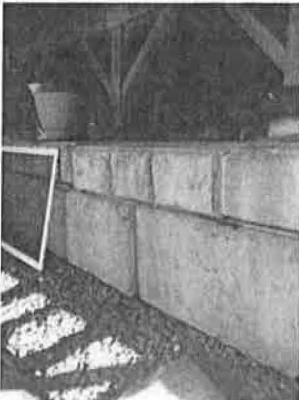
Date: June 30, 2017

Subject: Special Structural Inspection of Residence at 19933 Cohen Drive, Juneau AK

Sandra Garcia C/O Sunshine Hard, Realtor
Juneau, AK 99801

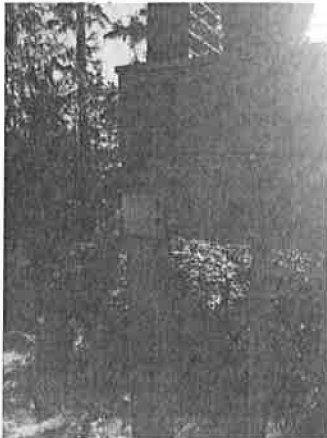
On June 22, 2017 I inspected the subject residence to address selected items that you wanted structural engineering consultation on. This was not a home inspection.

Item 1) The concrete block retaining wall under the deck has slightly uneven and tilted blocks. My opinion on this is that this is a concrete block retaining wall not integral with the foundation. The unevenness of the wall may likely be from construction or some slight settlement after construction. The wall does not appear unstable in its current state.



Item 2) You wanted to know if you could put a hot tub on the existing deck. My opinion is that the deck columns and foundations appear sound enough to carry the added weight of a hot tub. The floor structure appears to be capable of being strengthened without major impediment. Contact an engineer for assistance.

A few of the deck foundation footing on the south side deck appear to have settled an inch or less. There is a gap between the deck floor structure and the beam in a few areas. The settlement is likely consolidation settlement and not a deep ground failure due to the assumption that bedrock is near the surface in this area. Recommend using cedar wood shims to support the floor structure. Added weight of a hot tub may cause further settlement of these foundations. Recommend to monitor these foundations closely if a hot tub is added.



Item 3) The log and rock retaining wall supporting the upper carport is a non-engineered structure and should be budgeted for removal in the near future. The logs are rotted and beyond repair. The entire structure should be removed. If a new carport is constructed, consult with a structural engineer to design a retaining wall system.



Please call if you have any questions.

Sincerely, Loren Gehring, P.E.

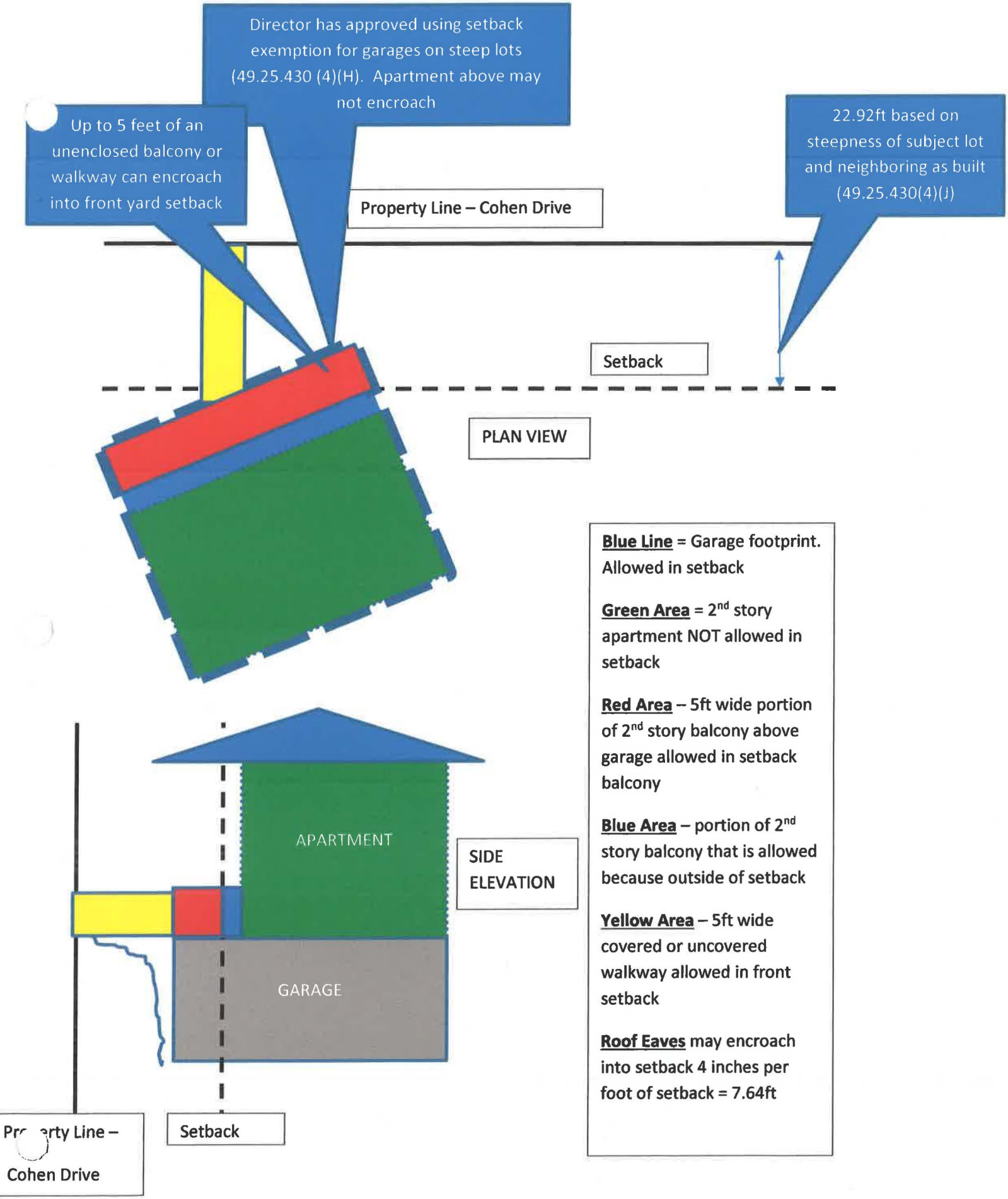
Loren Gehring, P.E., S.E.

Chilkat Engineering, LLC

CHILKAT ENGINEERING, LLC
 LOREN GEHRING, P.E., S.E.
 PHONE: 907-321-0219
 EMAIL: LOREN.CHILKAT@BCL.NET
 ADDRESS: P.O. BOX 2110
 AUKA BAY, AK 99821



Date: 06/30/17



Amy Liu

From: Beth McKibben
Sent: Thursday, March 28, 2019 11:46 AM
To: 'r.aline051504@yahoo.com'
Cc: Tim Felstead; Amy Liu
Subject: 19933 Cohen Drive
Attachments: plat_lot9.jpg

Hi Ron

It was good talking w/you yesterday. I told you that either Tim or I would get back to you on the side yard setback. After looking at the recorded plat more closely I see that the front width of your lot is 153.82 feet. It appears that your as-built is mislabeled and only goes the monument that was placed to be used for calculating the curve data for the street. Its easy to see how that mistake was made, because I initially made that mistake myself. I'm confident that the 153.82 feet front lot width is correct because when using that figure to calculate lot area the total is the same as what is on the recorded plat as well as in our data base. If the smaller number is used, or the average width of the lot the area is not correct. Attached is a zoomed in view of your lot from the recorded (official) plat, showing the correct dimensions of the lot.

What this means is there is no exception that will allow for a standard reduction in the side yard setback. As Tim explained to you the other day, you may apply for an administrative variance, which if approved, could reduce the side yard setback up to 2 feet. A non-administrative variance must be approved by the Board of Adjustment. If you choose to go this route it makes the most sense to submit the variance application with the conditional use permit application for the accessory apartment so the 2 cases could be heard by the Commission at the same meeting.

Below are the links to the variance and administrative variance application forms. If you submit the application at the same time as the conditional use permit application then only one copy of the DPA form is required. The administrative variance fee is \$120 and the non-administrative variance fee is \$400. Please feel free to contact, me, Tim or Amy if you have any more questions.

http://www.juneau.org/cddftp/documents/VAR-Variance_Application.pdf

http://www.juneau.org/cddftp/documents/VDM-AdministrativeVariance_Application12_06_18.pdf

Beth McKibben, AICP | Senior Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465



Ron & Sandra Aline
19933 Cohen drive
Juneau, AK 99801

Subj: Case Number; PAC20190017 Accessory Apartment

Ron,

Thank you for meeting with me and Lynnette yesterday to discuss your proposal to the City and Borough of Juneau to build a garage and apartment on your upper lot at 19933 Cohen Drive. As an adjacent land owner (19929 Cohen Drive), we have reviewed your permit and application as requested and do not have any objections to the building and variances you seek. We feel that the structure as presented will enhance Cohen Drive and wish you success in obtaining your variance request. If you have any questions or need me to provide any other information to the City, please let me know.

Cecil D McNutt, Jr. 04/02/2019

V/R
Cecil D. McNutt, Jr.
19929 Cohen Drive
Seanutt@gci.net
907-500-4041

Mike Dziuba

19977 Cohen Drive
Juneau, AK 99801
907-957-0144
mdziuba@me.com

April 8, 2019

Ron & Sandra Aline
19933 Cohen Drive
Juneau, AK. 99801

RE: PAC20190017, application

Dear Ron and Sandra,

Pursuant to our discussion, as your adjacent neighbor, I have no objections regarding your application to the City & Borough of Juneau about the building of a garage and apartment on your lot nor the variances you're seeking. If you have further questions feel free to ask.

Sincerely,

Michael P. Dziuba



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Environmental
Conservation**

DIVISION OF WATER
Engineering Support and Plan Review

PO Box 111800
Juneau, Alaska 99811
Main: 907.456.5180
Fax: 907.456.5177
dec.alaska.gov

Plan Tracking No.: 27952

March, 2019

Kevin Puustinen

**RE: Ron & Sandra Aline
Tee Harbor Alaska, Lot 9, Block 4
Decommissioning of STP, Installation of new STP w/ UV-Disinfection
Design Flow – 600 gpd
Approval to Construct**

Greetings,

On March 12, 2019 the Alaska Department of Environmental Conservation (ADEC or Department) received a submittal requesting construction approval for the Ron & Sandra Aline WWTS located in Juneau, AK. The information was reviewed in accordance with Wastewater Disposal Regulations 18 AAC 72 and **construction approval is granted**. Enclosed is the Construction and Operation Certificate with the Approval to Construct section signed.

Project Description

The property has an existing Jet model J-353 treatment system which will be decommissioned and backfilled. The homeowners will then install a new Jet model J-800 treatment system w/ UV-Disinfection. The effluent will ultimately be disposed of in 3 separate trench style drainfields.

Not required but recommended, is to add some cleanouts at 45 degree transitions in pipes and closer to the STP.

Approval to Operate Requirements

This construction approval includes a 90 day interim approval to operate provided that construction substantially complied with the approved design drawings. In order to receive final operational approval, please submit the following information within 60 days of the completion of this project:

1. Written request for operational approval that includes a statement regarding any changes made during construction

Addressee
Project Name

2

DATE

2. Record drawings prepared (signed and dated) by the engineer responsible for observing the construction of this project (The Department prefers drawings that are no larger than 11" x 17").
3. Certification of Construction form complete with signatures from the Owner, Construction Contractor, and Engineer (A copy of this form may be downloaded and printed from the Department of Environmental Conservation website or a copy will be provided upon request. http://dec.alaska.gov/water/wastewater/engineering/engineered_systems)
4. A signed maintenance agreement with a qualified servicer of the treatment system.

If the approval to operate requirements cannot be met within 90 days of construction completion, an extension of the interim approval to operate must be requested at least 30 days in advance by addressing item 3 - 4 above. Any portion of the wastewater collection or disposal system that is planned to be operated beyond the 90 days interim operational approval pending completion of multiple phases of work must either have an extended interim or final operational approval.

Disclaimers and Appeals Process

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulation. The Department's construction approval does not guarantee correctness or the functionality of the design, or waive the owner's responsibility for continued compliance with state regulations. Deviations from approved plans which affect capacity, flow, pressure, operation, compliance, or materials of major system components must be approved by this Department prior to their construction or implementation.

This approval is valid for two years from the date of this letter. If the applicant fails to construct, alter, install, or modify the system, the approval is void and plans must be resubmitted for department review and approval according to 18 AAC 72.200.

This approval is contingent upon your receipt of any other state, federal, or local authorizations which are required for your project. You are required to obtain all other necessary authorizations before proceeding with your project. This approval does not imply the granting of additional authorizations nor obligate any state, federal, or local regulatory body to grant required authorizations.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review in accordance with 18 AAC 15.185. **Informal review requests** must be delivered to the Division of Water Director, 555 Cordova Street, Anchorage, AK 99501, within 20 days of this decision. **Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811, within 30 days of this decision. If a hearing is not requested within 30 days, the right to appeal is waived. More information on the Department's administrative appeals process can be found at <http://dec.alaska.gov/commish/review-guidance/>.

Addressee
Project Name

3

DATE

If you have questions please contact me at 907-456-5167 or by e-mail at
raymond.zimmer@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Zimmer", with a stylized, flowing script.

Raymond Zimmer
Engineering Associate I

Enclosures: Construction and Operation Certificate



STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CONSTRUCTION AND OPERATION CERTIFICATE
FOR
DOMESTIC WASTEWATER DISPOSAL SYSTEMS



A. APPROVAL TO CONSTRUCT

Plans for the construction or modification of the Tee Harbor Alaska, Block 4, Lot 9 domestic wastewater system, located at 19933 Cohen Drive - Juneau, Alaska, submitted in accordance with 18 AAC 72.200 through 18 AAC 72.235 by Kevin Puustinen, P.E. have been reviewed and are

☒ approved as submitted ☐ conditionally approved (see attached conditions)

Raymond Zimmer
By: Raymond Zimmer

Engineering Associate I
(Title)

03/14/2019
(Date of Approval)

If applicant fails to construct, alter, install, or modify the system within two years of the date of approval to construct, approval is void, and plans must be resubmitted for Department review and approval.

B. APPROVED CHANGE ORDERS

Change (contract order number or descriptive reference)

(Reviewing Engineer)

(Title)

(Date of Approval)

C. APPROVAL TO OPERATE

The "Interim Approval to Operate" or "Final Approval to Operate" section must be completed and signed by the Department to continue to use this system beyond 90 days following the construction completion date.

Interim Approval to Operate:

The construction of the above referenced domestic wastewater disposal system was completed on _____. The system is hereby granted an extension of the **INTERIM APPROVAL TO OPERATE** until _____ date. It is illegal to operate the domestic wastewater disposal system beyond this date without **Final Approval to Operate** from the Department.

(Reviewing Engineer)

(Title)

(Date of Approval)

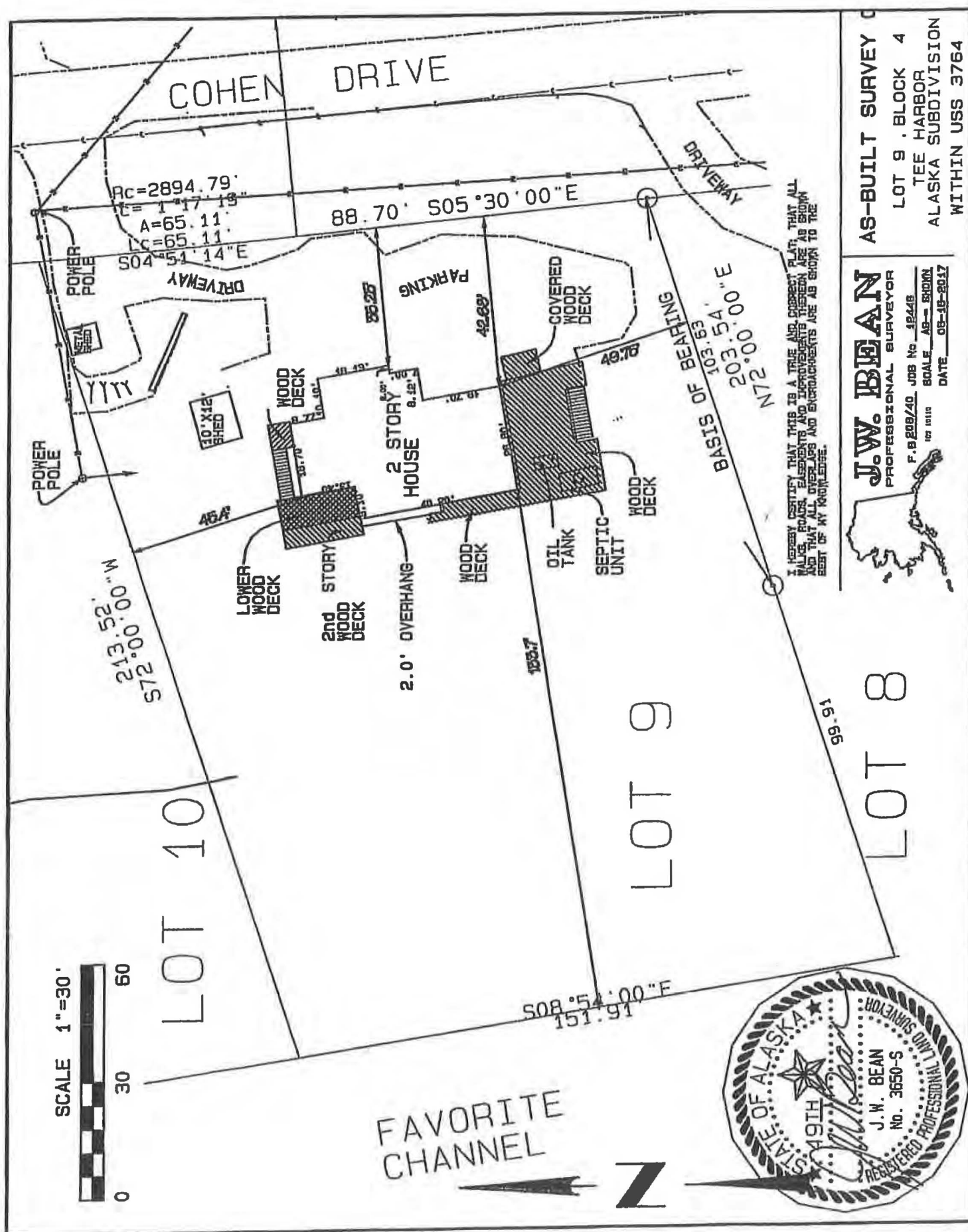
Final Approval to Operate:

Record drawings and other documents submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. The system is hereby granted **FINAL APPROVAL TO OPERATE**.

(Reviewing Engineer)

(Title)

(Date of Approval)



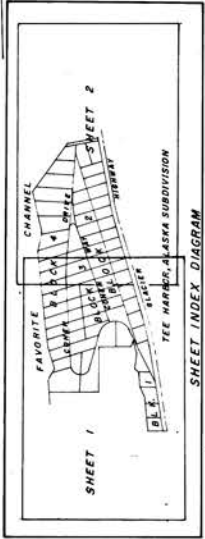
Attachment F

FAVORITE CHANNEL

NOTE: The natural meanders of the line of M.H.W. along Tee Harbor and Favorite Channel form the seaward bounds of the lots adjoining. The approximate line of M.H.W.s shown is for survey computation and data only. All corners are set on the lot lines or witness corners with the true corners being on the extension of the lot lines and the natural meanders.

CURVE DATA		TANGENT CHORD BNG. CHORD	
1	3° 30' 00"	90.40'	180.71'
2	3° 40' 00"	90.87'	181.16'
3	3° 50' 00"	91.34'	181.61'
4	4° 00' 00"	91.81'	182.06'
5	4° 10' 00"	92.28'	182.51'
6	4° 20' 00"	92.75'	182.96'
7	4° 30' 00"	93.22'	183.41'
8	4° 40' 00"	93.69'	183.86'
9	4° 50' 00"	94.16'	184.31'
10	5° 00' 00"	94.63'	184.76'
11	5° 10' 00"	95.10'	185.21'
12	5° 20' 00"	95.57'	185.66'
13	5° 30' 00"	96.04'	186.11'
14	5° 40' 00"	96.51'	186.56'
15	5° 50' 00"	96.98'	187.01'
16	6° 00' 00"	97.45'	187.46'
17	6° 10' 00"	97.92'	187.91'
18	6° 20' 00"	98.39'	188.36'
19	6° 30' 00"	98.86'	188.81'
20	6° 40' 00"	99.33'	189.26'
21	6° 50' 00"	99.80'	189.71'
22	7° 00' 00"	100.27'	190.16'
23	7° 10' 00"	100.74'	190.61'
24	7° 20' 00"	101.21'	191.06'
25	7° 30' 00"	101.68'	191.51'
26	7° 40' 00"	102.15'	191.96'
27	7° 50' 00"	102.62'	192.41'
28	8° 00' 00"	103.09'	192.86'
29	8° 10' 00"	103.56'	193.31'
30	8° 20' 00"	104.03'	193.76'
31	8° 30' 00"	104.50'	194.21'
32	8° 40' 00"	104.97'	194.66'
33	8° 50' 00"	105.44'	195.11'
34	9° 00' 00"	105.91'	195.56'
35	9° 10' 00"	106.38'	196.01'
36	9° 20' 00"	106.85'	196.46'
37	9° 30' 00"	107.32'	196.91'
38	9° 40' 00"	107.79'	197.36'
39	9° 50' 00"	108.26'	197.81'
40	10° 00' 00"	108.73'	198.26'
41	10° 10' 00"	109.20'	198.71'
42	10° 20' 00"	109.67'	199.16'
43	10° 30' 00"	110.14'	199.61'
44	10° 40' 00"	110.61'	200.06'
45	10° 50' 00"	111.08'	200.51'
46	11° 00' 00"	111.55'	200.96'
47	11° 10' 00"	112.02'	201.41'
48	11° 20' 00"	112.49'	201.86'
49	11° 30' 00"	112.96'	202.31'
50	11° 40' 00"	113.43'	202.76'
51	11° 50' 00"	113.90'	203.21'
52	12° 00' 00"	114.37'	203.66'
53	12° 10' 00"	114.84'	204.11'
54	12° 20' 00"	115.31'	204.56'
55	12° 30' 00"	115.78'	205.01'
56	12° 40' 00"	116.25'	205.46'
57	12° 50' 00"	116.72'	205.91'
58	13° 00' 00"	117.19'	206.36'
59	13° 10' 00"	117.66'	206.81'
60	13° 20' 00"	118.13'	207.26'
61	13° 30' 00"	118.60'	207.71'
62	13° 40' 00"	119.07'	208.16'
63	13° 50' 00"	119.54'	208.61'
64	14° 00' 00"	120.01'	209.06'
65	14° 10' 00"	120.48'	209.51'
66	14° 20' 00"	120.95'	210.06'
67	14° 30' 00"	121.42'	210.51'
68	14° 40' 00"	121.89'	210.96'
69	14° 50' 00"	122.36'	211.41'
70	15° 00' 00"	122.83'	211.86'
71	15° 10' 00"	123.30'	212.31'
72	15° 20' 00"	123.77'	212.76'
73	15° 30' 00"	124.24'	213.21'
74	15° 40' 00"	124.71'	213.66'
75	15° 50' 00"	125.18'	214.11'
76	16° 00' 00"	125.65'	214.56'
77	16° 10' 00"	126.12'	215.01'
78	16° 20' 00"	126.59'	215.46'
79	16° 30' 00"	127.06'	215.91'
80	16° 40' 00"	127.53'	216.36'
81	16° 50' 00"	128.00'	216.81'
82	17° 00' 00"	128.47'	217.26'
83	17° 10' 00"	128.94'	217.71'
84	17° 20' 00"	129.41'	218.16'
85	17° 30' 00"	129.88'	218.61'
86	17° 40' 00"	130.35'	219.06'
87	17° 50' 00"	130.82'	219.51'
88	18° 00' 00"	131.29'	220.06'
89	18° 10' 00"	131.76'	220.51'
90	18° 20' 00"	132.23'	220.96'
91	18° 30' 00"	132.70'	221.41'
92	18° 40' 00"	133.17'	221.86'
93	18° 50' 00"	133.64'	222.31'
94	19° 00' 00"	134.11'	222.76'
95	19° 10' 00"	134.58'	223.21'
96	19° 20' 00"	135.05'	223.66'
97	19° 30' 00"	135.52'	224.11'
98	19° 40' 00"	135.99'	224.56'
99	19° 50' 00"	136.46'	225.01'
100	20° 00' 00"	136.93'	225.46'

OF AREAS
4.02 AC.
26.91 AC.
16.61 AC.
20.10 AC.
4.21 AC.
10.32 AC.
82.17 AC.



NOTARY PUBLIC
STATE OF ALASKA
4/28/67
Notary Public
Bertie J. Anderson
Notary Public
State of Alaska

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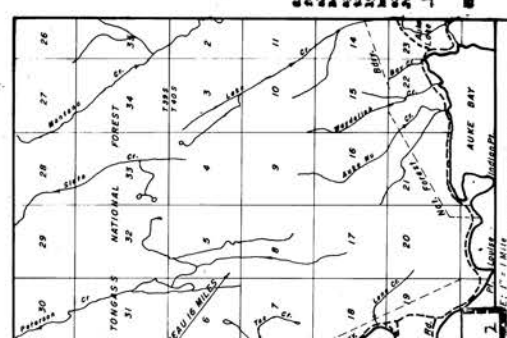
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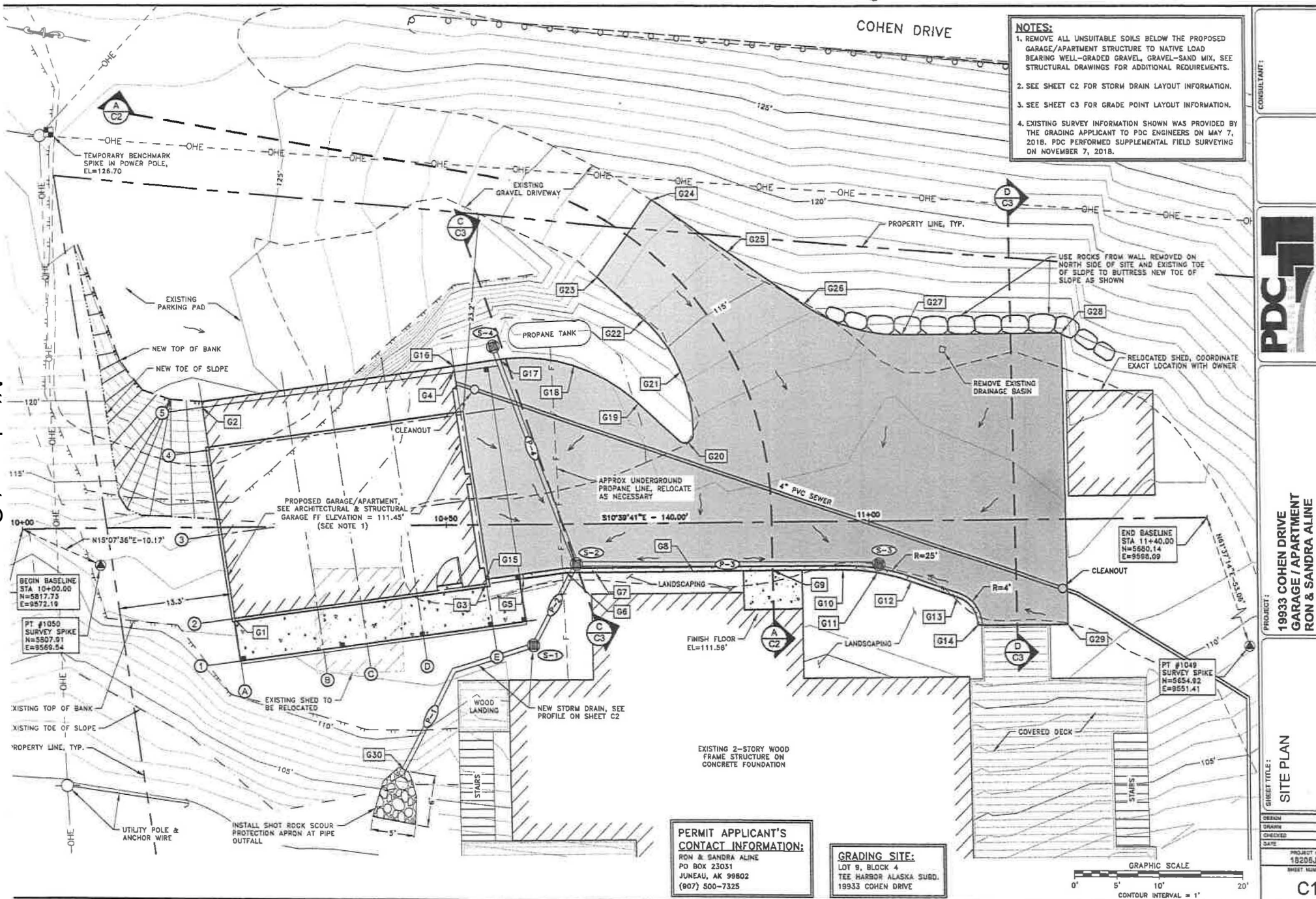
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LEGEND
Indicates BLM Brass Monument
Indicates ADL Brass Monument Set this Survey in
30" Steel Pipe or Grouted in Solid Rock
Indicates Wood Post
Indicates BPR 6"x6" Conc. ROW Monument

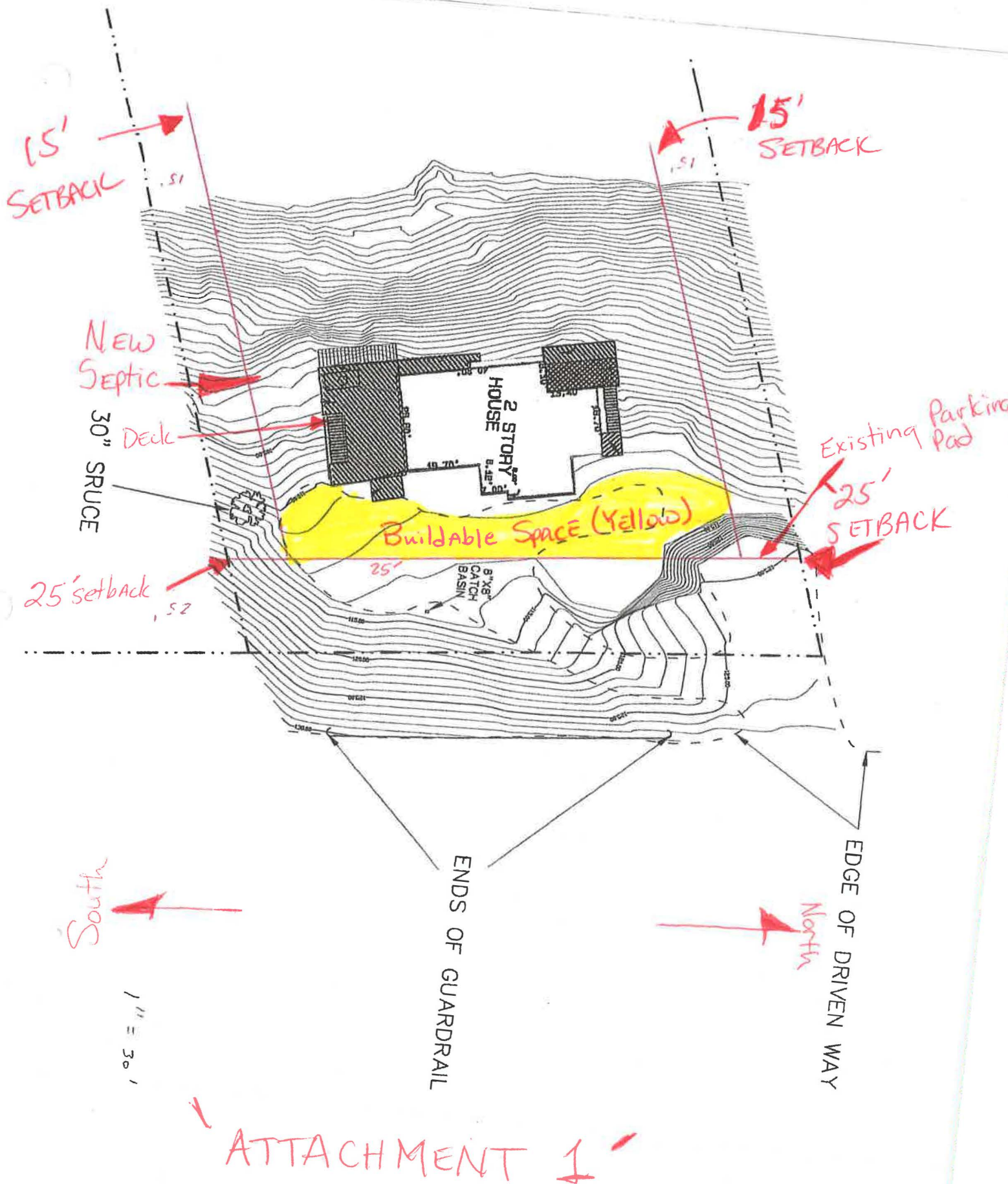
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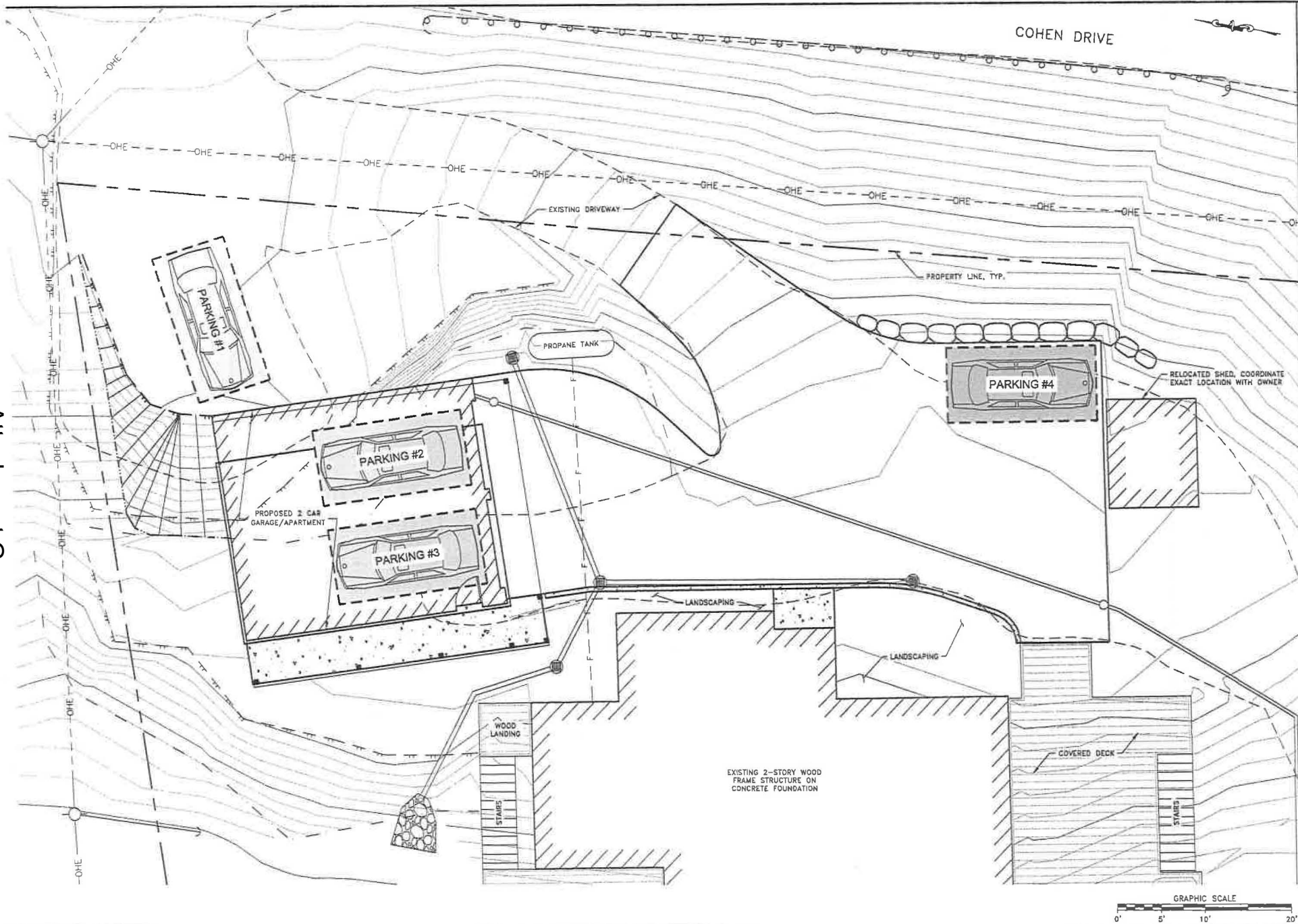
Attachment G





19933 Cohen Drive
Garage / Apartment





CONSULTANT:

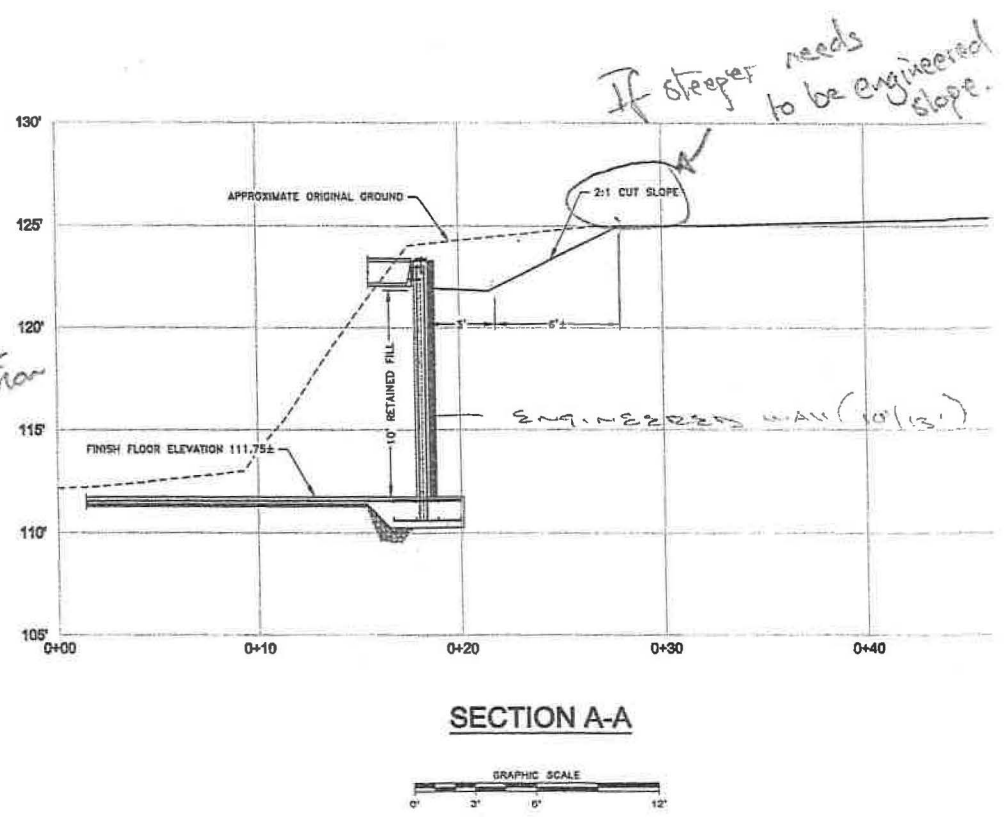
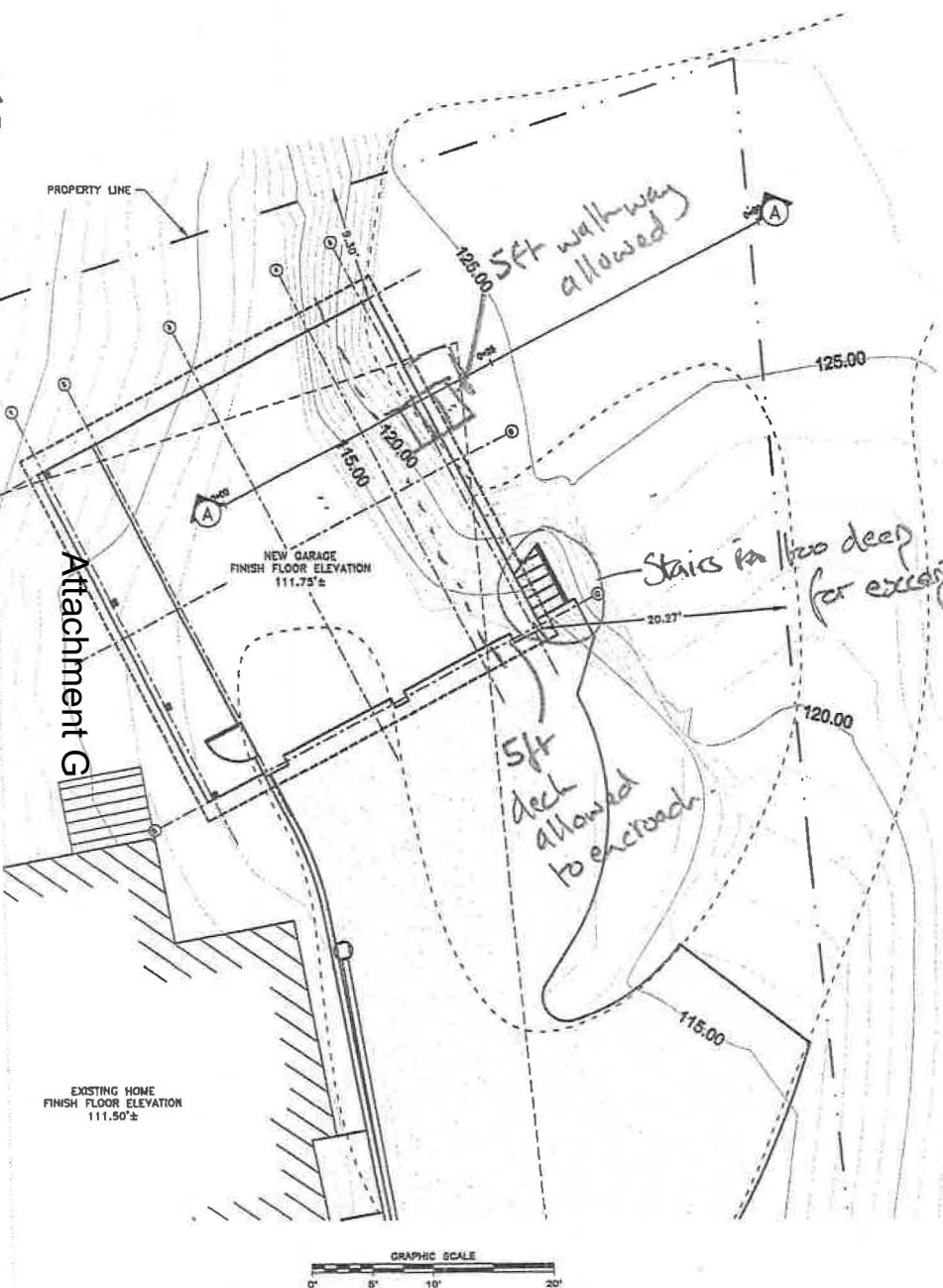


PROJECT:
19933 COHEN DRIVE
GARAGE / APARTMENT
RON & SANDRA ALINE

SHEET TITLE:
PARKING FIGURE

DRAWN
CHECKED
DATE

PROJECT #
18206J
SHEET #



Attachment H



Attachment H



Attachment H



Attachment H



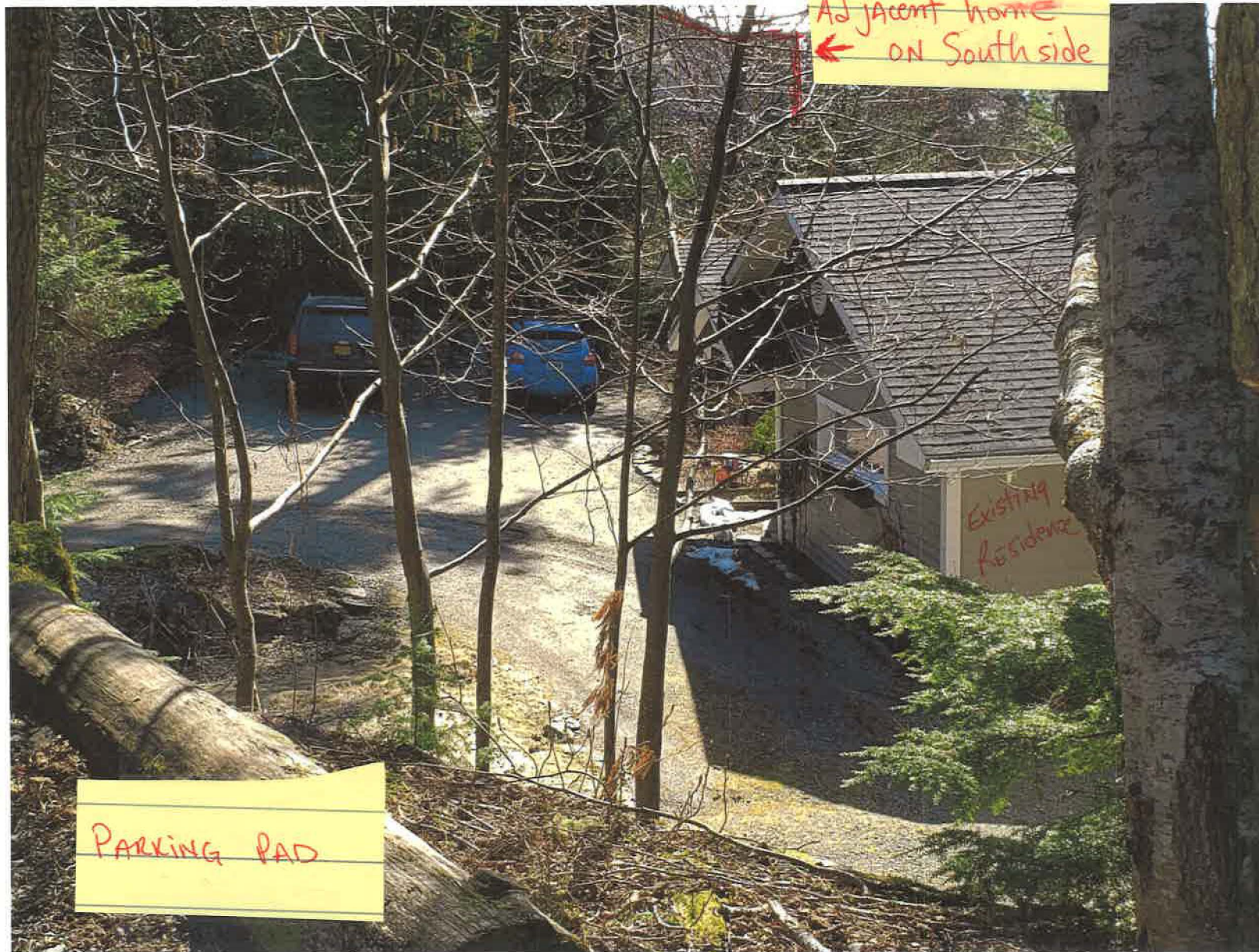
View from mailbox across the street

Attachment H



5

Attachment H



⑥

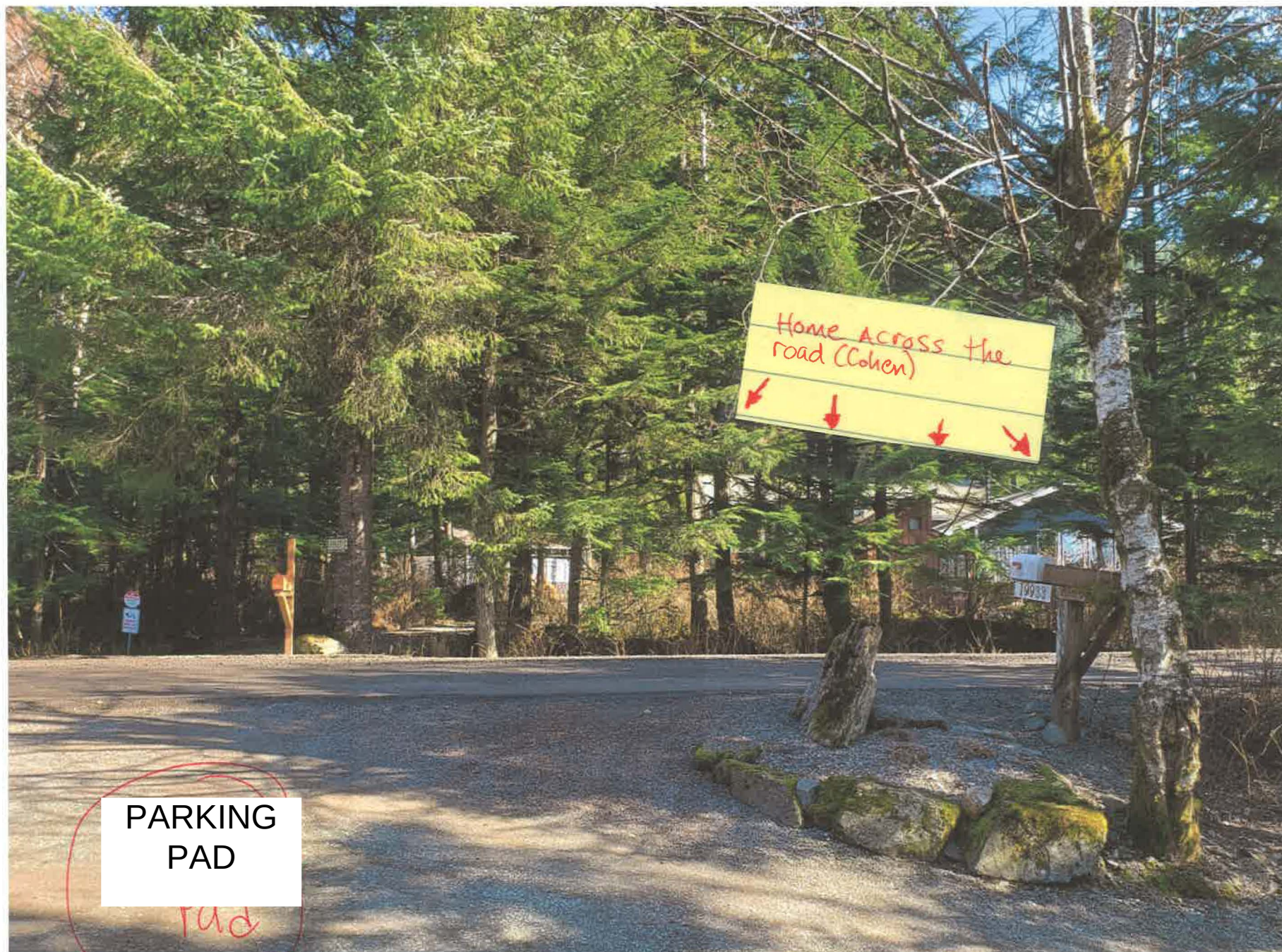
Adjacent Home North side



Attachment H

↑ PARKING Pad

Attachment H



8

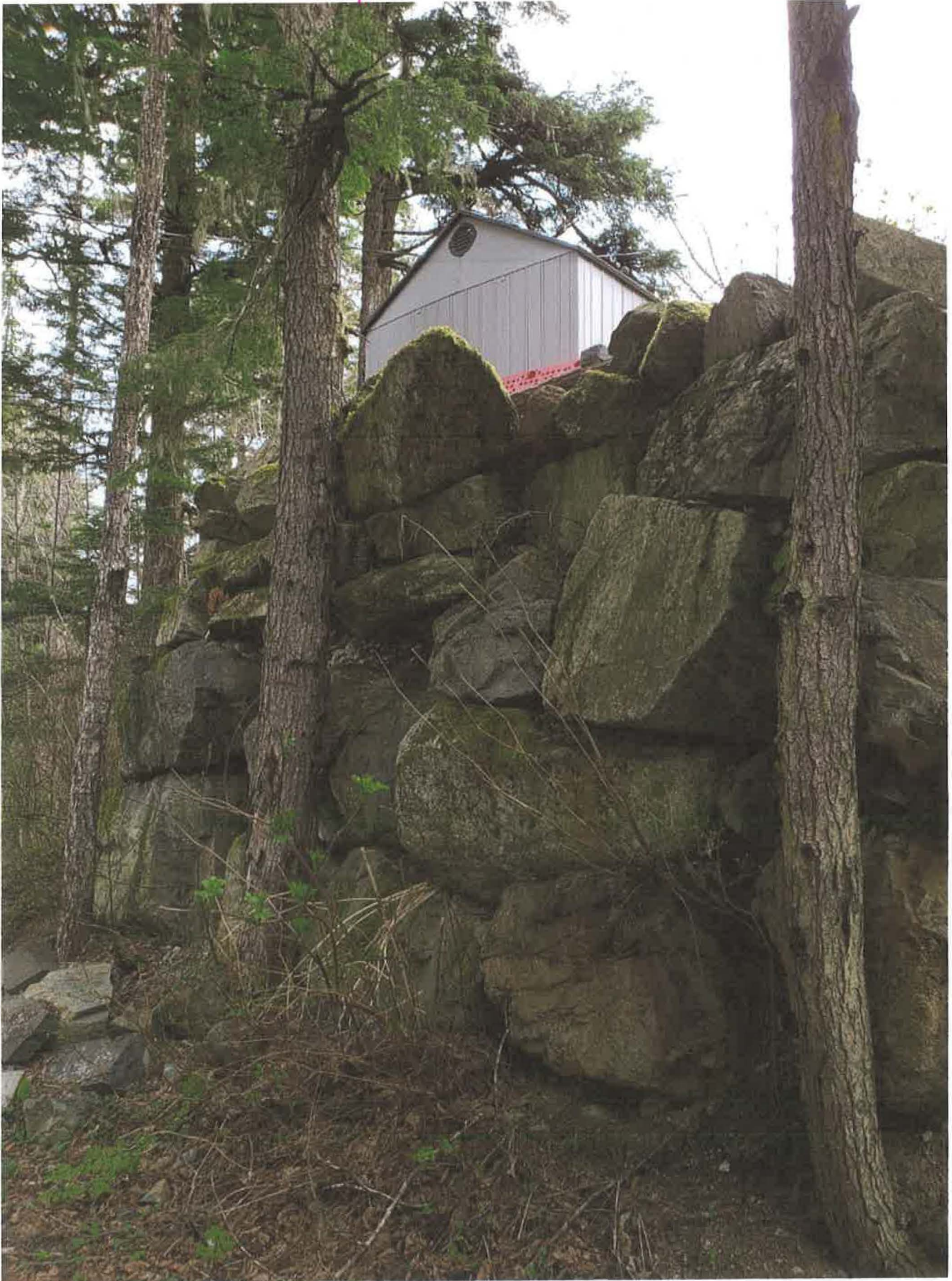
Attachment H



North
Side of
Residence

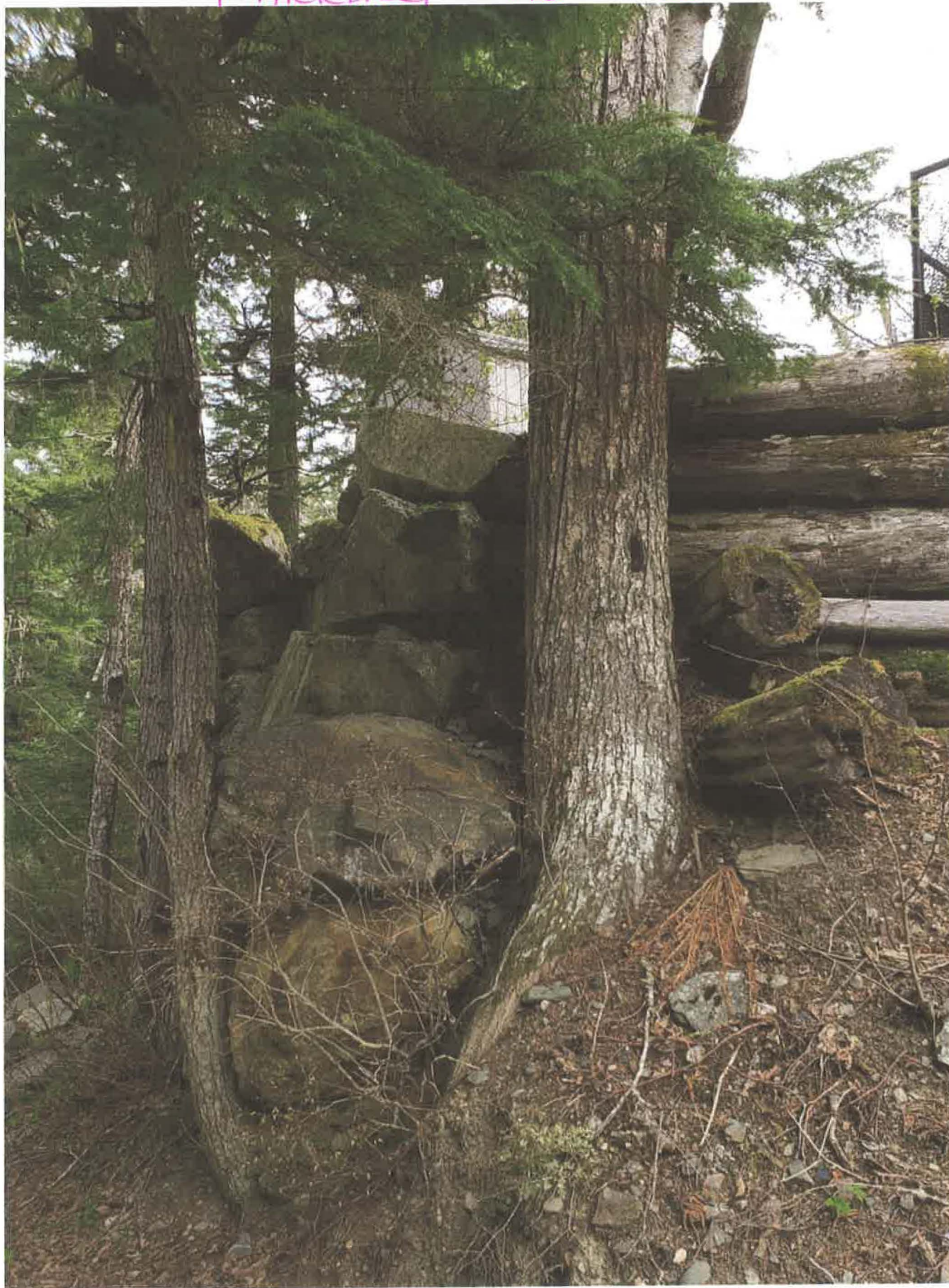
To the way

Parking Pad - C



Attachment H

PARKING PAD - B



Attachment H

PARKING PAD - A



Parking Pad - A

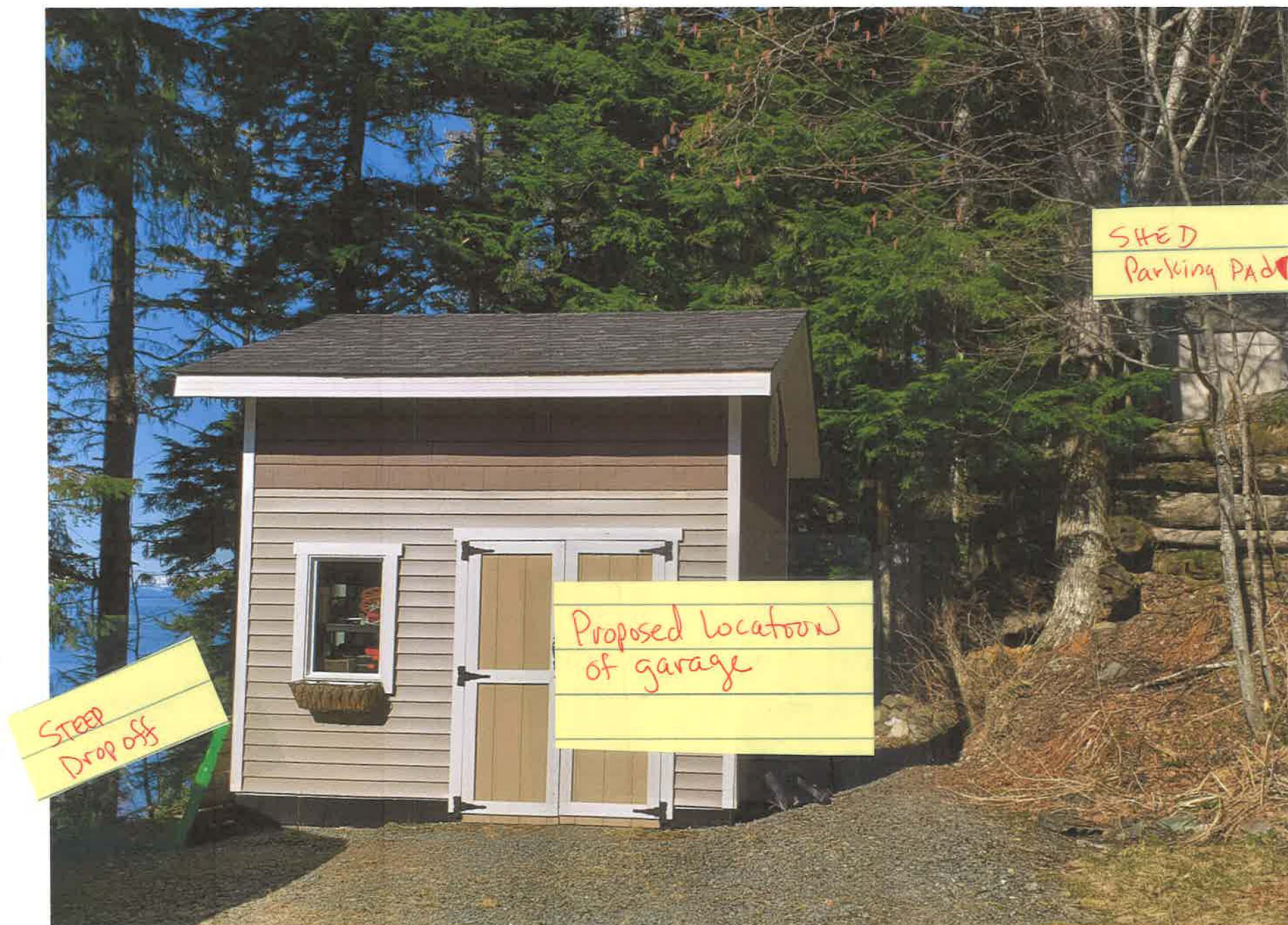
Attachment H

Attachment H



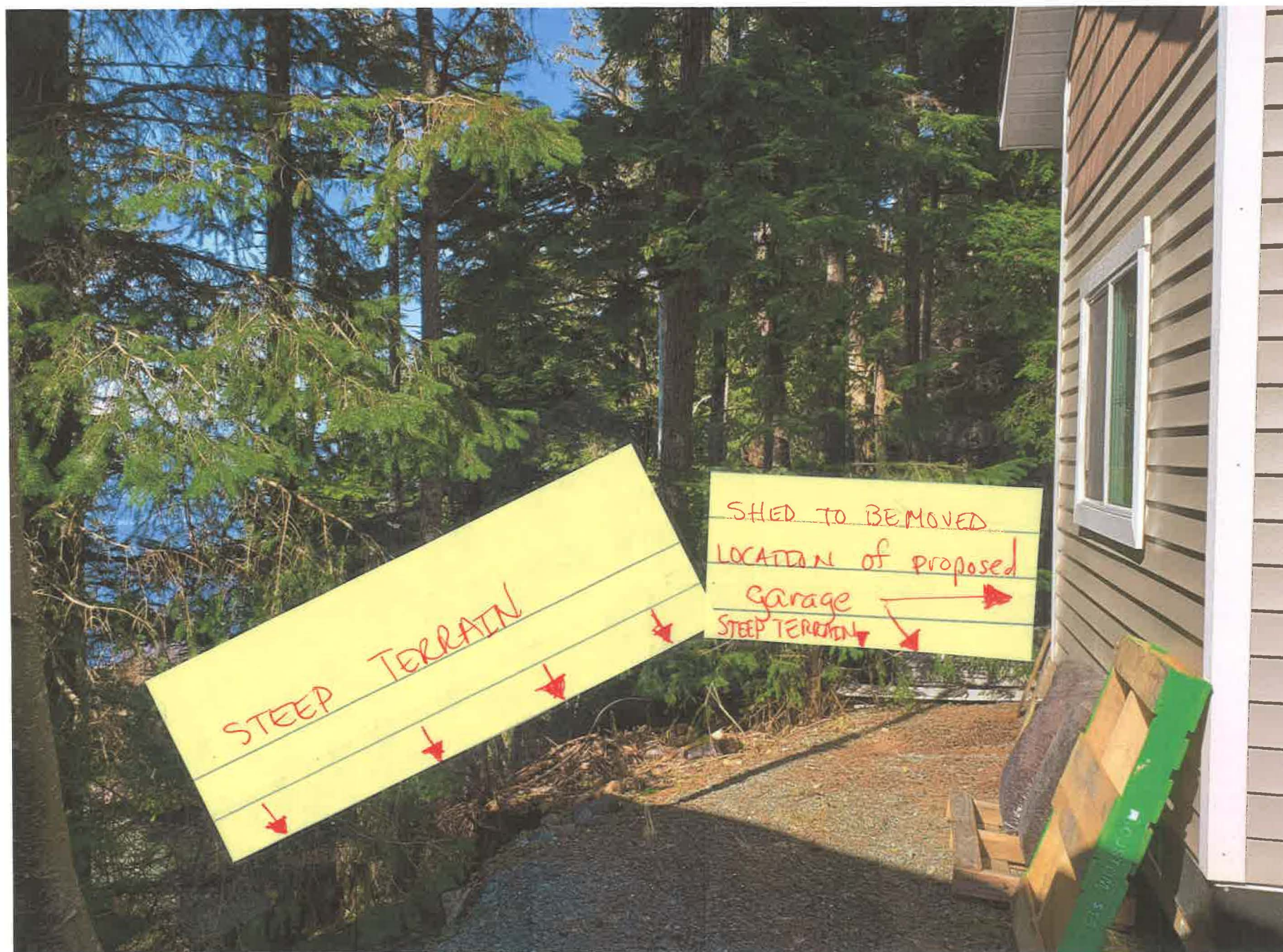
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Attachment H



11

Attachment H



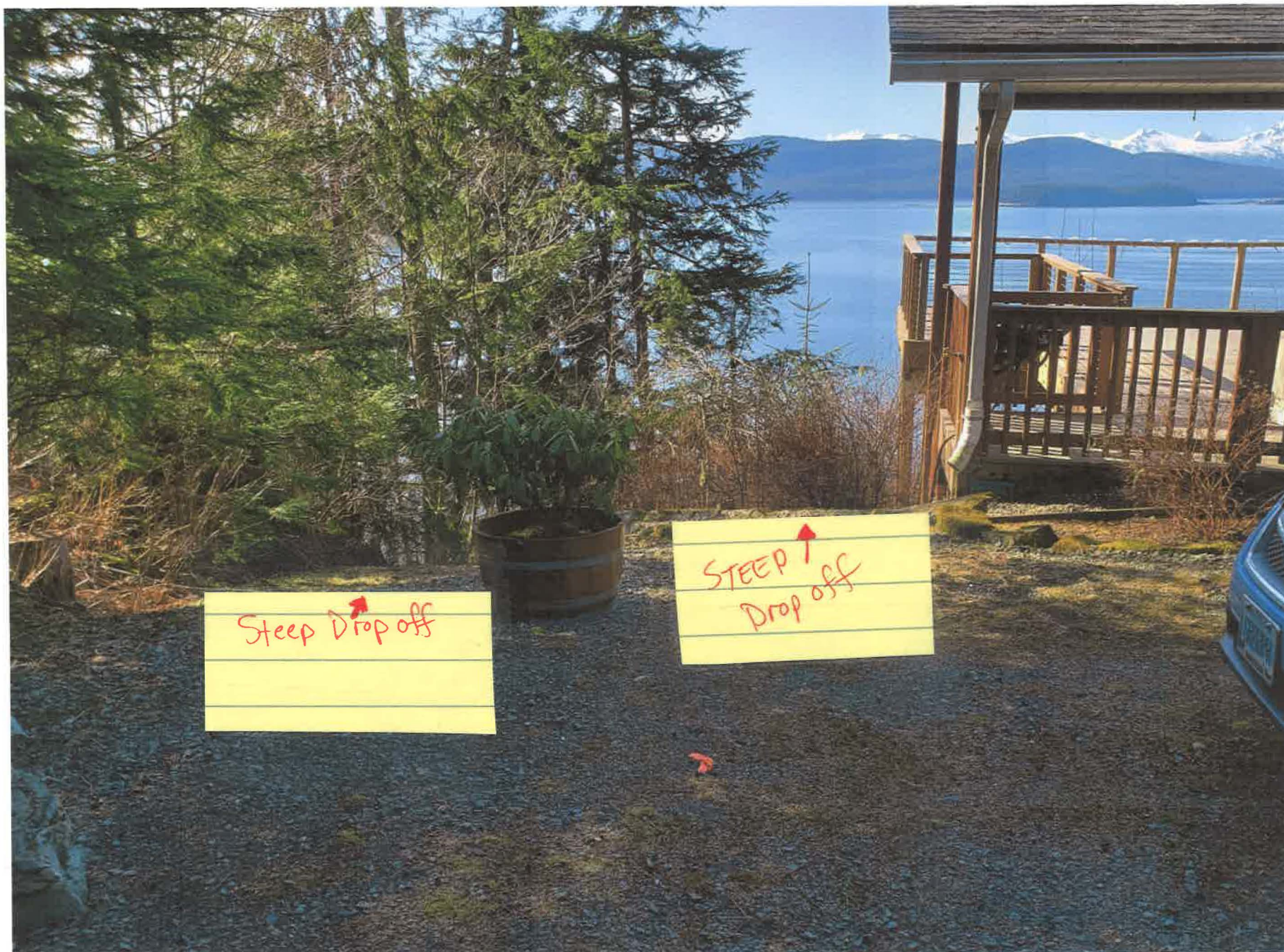
Attachment H



Attachment H



Attachment H



Attachment H



Attachment H



Existing
Parking
Pad

Attachment H



Attachment H





Attachment H



Attachment H



Attachment H



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Aline Accessory Apartment on an Undersized Lot

Case Number: PAC20190017

Applicant: Ron Aline

Property Owner: Ron & Sandra Aline

Property Address: 19933 Cohen Drive

Parcel Code Number: 8B3701040090

Site Size: 31,363 Square Feet

Zoning: D1

Existing Land Use: Single-Family Dwelling

Conference Date: 3/20/2019

Report Issued: 3/21/2019

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Sandra Aline Ron Aline	Applicant	Juneausaga@yahoo.com Ron.aline_907@yahoo.com / r.aline051504@yahoo.com
Laurel Bruggeman	Planning	laurel.bruggeman@juneau.org
John Young	Building	John.young@juneau.org
Autumn Sapp	General Engineering	Autumn.sapp@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – The parcel is in the D1 zoning district; the minimum lot size is 36,000 square feet. The parcel measures 31,363 square feet. Per CBJ 49.25.510(k)(2)(E)(ii) an accessory apartment not to exceed 600 square feet is allowed on lots that do not meet the minimum lot size for the zoning district, only after the issuance of a conditional use permit by the Planning Commission.
2. **Setbacks** – Setbacks for this parcel have been reduced from the minimum for the zoning district using the following setback exceptions:
 - a. Front yard setback reduced from 25' to 22.92' per 49.25.430(4)(F).
 - b. The garage on the parcel may encroach into the front yard or side yard setback per 49.25.430(4)(H); the accessory apartment may not be within the required setbacks. The garage may be no closer than 5' to any property line.
 - c. Rear yard setback was reduced from 25' to 0' per CBJ 49.25.430(4)(G). This setback exception applies to all structures on the parcel.
 - d. Side yard setbacks – 15' on each side.
3. **Height** – 35' permissible uses; 25' accessory uses
4. **Access** – Cohen Drive
5. **Parking** – 3 total – 2 for the single family dwelling; 1 for the accessory apartment. A site plan should be included with the application showing how this parking requirement will be met. Parking spaces within the garage can be used.
6. **Lot Coverage** – 10% maximum for the D1 zoning district.
7. **Vegetative Coverage** – 20% minimum for the D1 zoning district.
8. **Flood** – Bottom half of the parcel is within the V Flood Zone, if structure is proposed within the flood zone, special regulations apply per CBJ 49.70.400. As currently proposed, the new accessory apartment and garage will not be within the flood hazard area.
9. **As-Built Survey** – Please note that when an applicant is working with 3' of a required setback, an as-built survey for the structure is required. Additionally, a surveyor will likely be required to verify setbacks before the foundation is poured. This will be addressed during building permit review.

Building Division:

10. **Building** – Fire separation required between garage and residence, see handout for examples.
11. **Outstanding Permits** - None

General Engineering/Public Works:

12. **Engineering** – NA
13. **Drainage** – NA
14. **Utilities** – (water, power, sewer, etc.)

Attachment I

Pre-Application Conference Final Report

- a. A water utility permit will need to be obtained to allow for the minimum of a 1-1/4" water line to be installed to the new structure, based on the attached Water Line Information sheet. The additional dwelling unit will require a 1-1/2" meter to be installed. The meter is required to be installed prior to any branches in the plumbing line. Visit the following link: http://www.juneau.org/engineering/documents/420_000.pdf for CBJ Standard Detail 420, Meter Installation, for meter clearances and conduit installation requirements for the remote read-out (MIU) installation. The meter is to be installation and conduit installation is the responsibility of the applicant. An additional water assessment will need to be paid prior to the issuance of the water utility permit.

Fire Marshal:

15. Fire Items/Access – No fire code issues at this time.

Other Applicable Agency Review:

16. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application: <http://www.juneau.org/cddftp/documents/DPA.pdf>
2. Conditional Use Permit Application: <http://www.juneau.org/cddftp/documents/USE-Allowable-ConditionalUse.pdf>
3. Accessory Apartment Grant Information and Application: <https://beta.juneau.org/housing/accessory-apartment-grant>

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. All items listed on the Conditional Use Permit Application
3. Site plan demonstrating how parking and vegetation requirements are being met and showing where the structure is proposed in relation to property lines.
4. Interior site plan demonstrating that the accessory apartment does not exceed 600 square feet.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. None

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Attachment I

Pre-Application Conference Final Report

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit Fee: \$350.00
2. Public Notice Sign Fee (\$50.00) and Deposit (\$100.00) - \$150.00 total
3. Water Utility Permit – (issued with building permit, not necessary for Conditional Use)
 - a. \$1,500 – Water assessment fee. Covers the cost of permit issuance, water line inspections, issuance of meter, and MIU installation.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

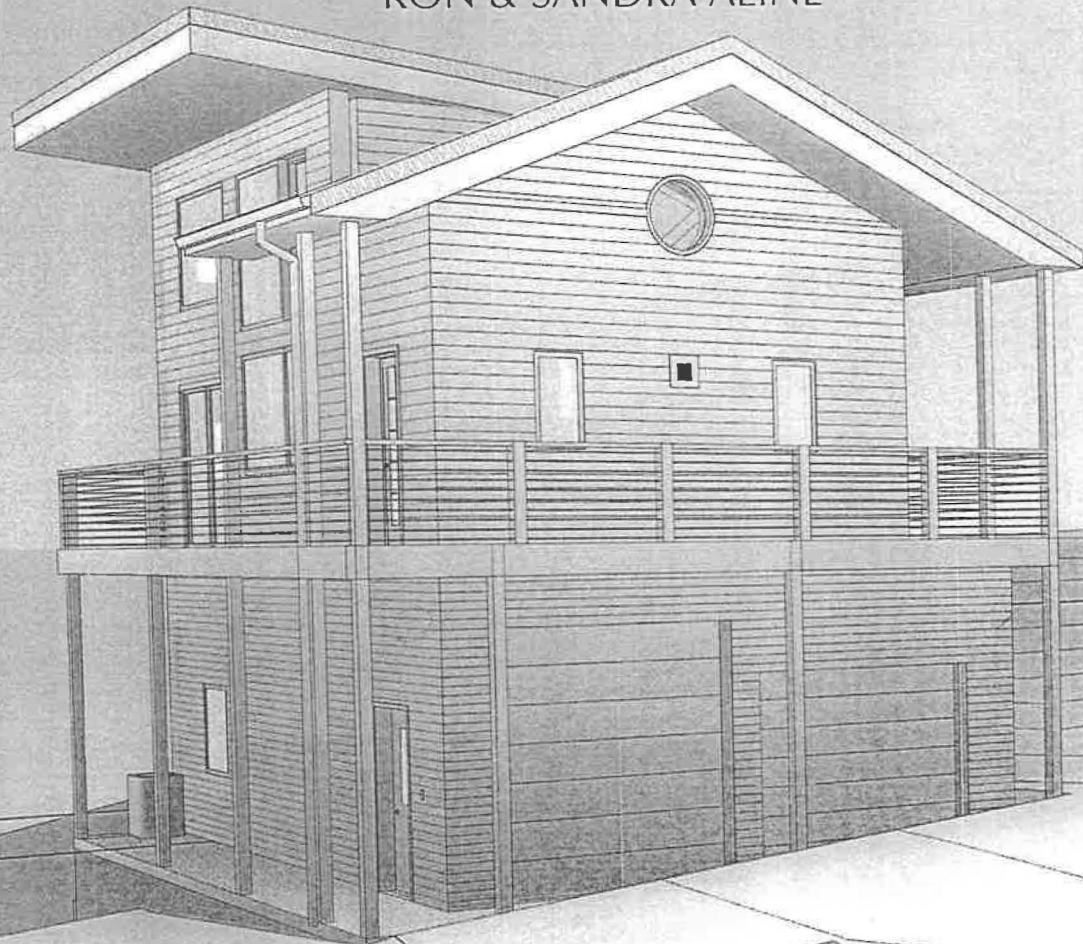
City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

19933 COHEN DR GARAGE / APT.

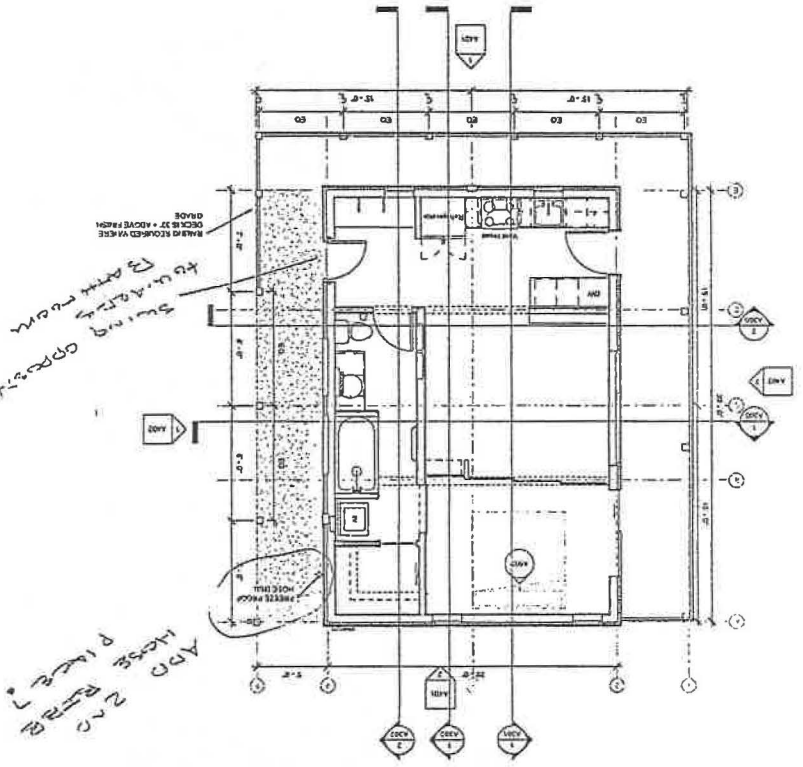
For
RON & SANDRA ALINE

Attachment J

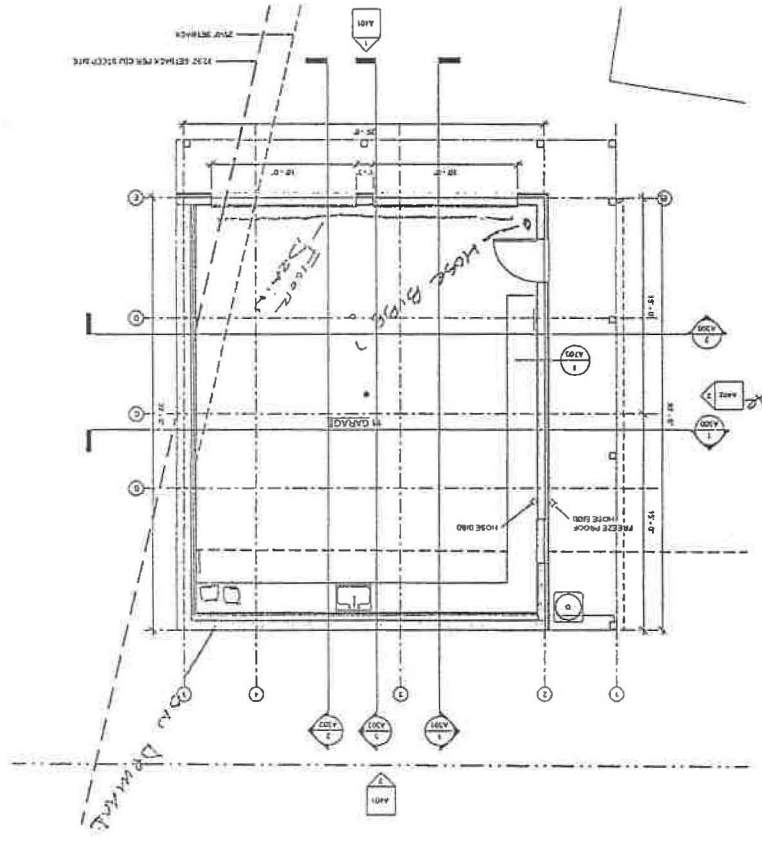


Parking PAD
↙ ↓ ↓ ↓ ↓

2 FLOOR 2 -
1/4" = 1'-0"



1 FLOOR 1 -
1/4" = 1'-0"



NOTE: 1/4" PRINT IS HALF SIZE
PROJECT: 19933 COHEN DR GARAGE / APT. 201
DRAWN: J. J. J.

SHEET NO. 1/1
DATE: 02-26-2019

FLOOR PLANS

NO.	DESCRIPTION	DATE
1	19933 COHEN DR GARAGE / APT. 201	02-26-2019

PERMIT SET
19933 COHEN DR GARAGE / APT. 201

RON & SANDRA ALINE

Attachment J

19933 COHEN DR GARAGE / APT.

For
RON & SANDRA ALINE



- Bigger window.
- CENTERED
- high enough from floor to see out at work
- porch built below window



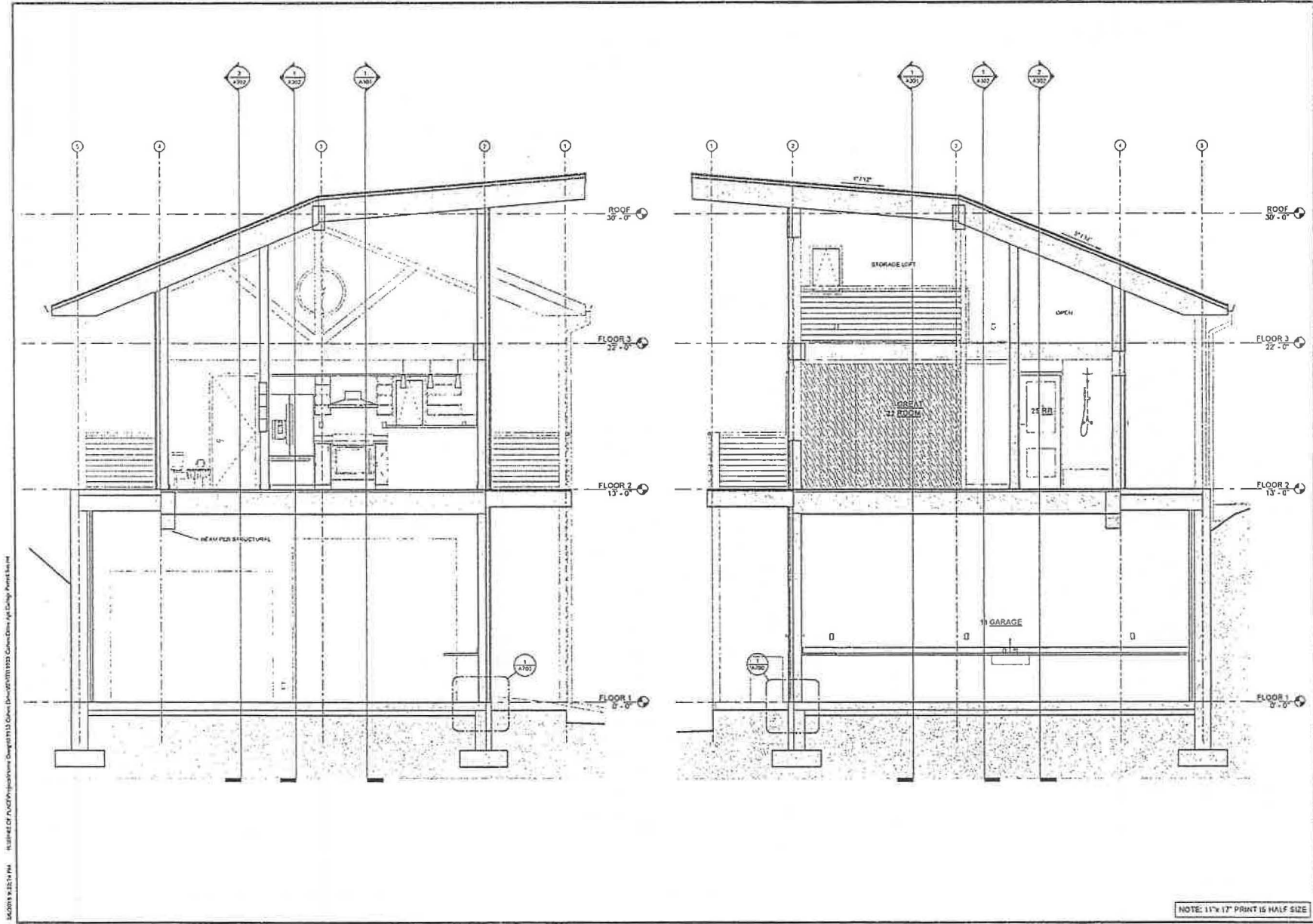
RON & SANDRA ALINE

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SHEET TITLE:
ENLARGED
PLANS

DATE:	02/26/20
DRAWN	
SHEET NO.	

A203



1792 Evergreen Ave
Durham, NC 27605
permits@ronandraline.com

PERMIT SET

19933 COHEN DR GARAGE / APT.

RON & SANDRA ALINE

No.	Description	Date

SHEET TITLE:
BUILDING SECTIONS

DATE: 02.26.2019

DRAWN: [Signature]

SHEET NO. A300

NOTE: 11" x 17" PRINT IS HALF SIZE

Subject: FW: USE19-10/VAR19-02

From: Ron Aline [mailto:ron.aline_907@yahoo.com]

Sent: Saturday, April 20, 2019 11:39 PM

To: Amy Liu

Subject: RE: USE19-10/VAR19-02

Amy,

Tim originally gave us information allowing for the 9.3' setback but after our accessory apartment planning meeting it states that the side setback had to be 15' per D1 Zoning particulars therefore we are applying for the Administrative Variance for approval for the 13' offset.

We are applying for the side setback at 13' and the front setback at 22.92'.

Any questions, please give me a call.

Thanks

Ron

P.S. Could you cc an email of: juneausaga@yahoo.com

Ron,

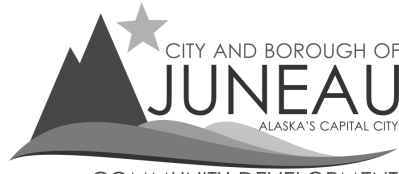
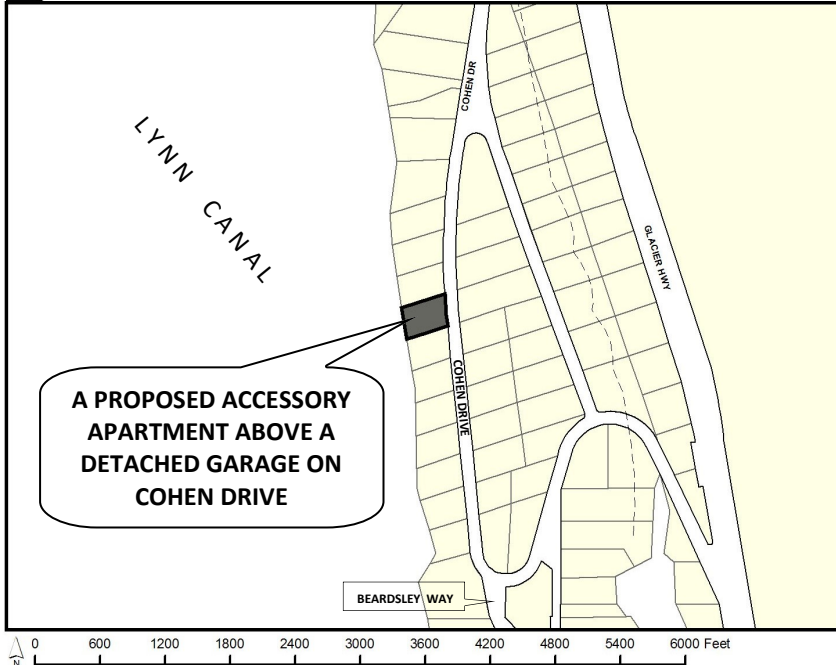
Per our call today, I'll schedule you the Conditional Use for the May 28 PC hearing.

I have a question about the attached site plan. The setbacks show 9.3' from the side, and 20.27' from the front. Alternatively, your variance application states that the setbacks will be 13' and 22.92' respectively. **Could you verify the setbacks you intend for the application?** Thanks!

Amy

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Two applications have been submitted to the Community Development Department for consideration and public hearing. The Planning Commission will hear a request for a **Conditional Use Permit** for a detached **accessory apartment on an undersized lot** located at **19933 Cohen Drive** in a D1 zone. Sitting as the Board of Adjustment, they will consider granting a **variance to reduce a side setback** for the detached structure **by 2 feet**.

TIMELINE

Staff Reports expected to be posted **Monday, May 20, 2019**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

May 7 through 12 noon, May 24

HEARING DATE & TIME
7:00 pm, May 28, 2019

May 29

Comments received during this period will be sent to the Planner, **Amy Liu**, to be included in the staff reports.

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case Nos.: USE2019 0010 & VAR2019 0002
Parcel No.: 8B3701040090
CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: May 30, 2019
Case No.: USE2019 0010

Ronald Aline & Sandra Garcia-Aline
P.O. Box 23031
Juneau, AK 99802

Proposal: A Conditional Use Permit for an accessory apartment above a detached garage on an undersized lot

Property Address: 19933 Cohen Drive

Legal Description: Tee Harbor Alaska, Block 4, Lot 9

Parcel Code Number: 8B3701040090

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 20, 2019, and approved an accessory apartment above a detached garage to be conducted as described in the project description and project drawings submitted with the application.

Attachments: May 20, 2019, memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding USE2019 0010.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c).

Ronald Aline & Sandra Garcia-Aline

Case No.: USE2019 0010

May 30, 2019

Page 2 of 2

Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

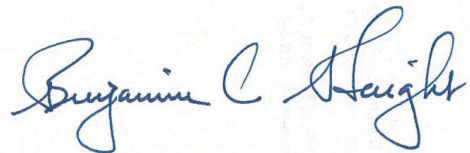
Effective Date: The permit is effective upon approval by the Commission, May 28, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or November 28, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

5/31/2019

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 17, 2019
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department

FILE NO.: PDF2019 0001

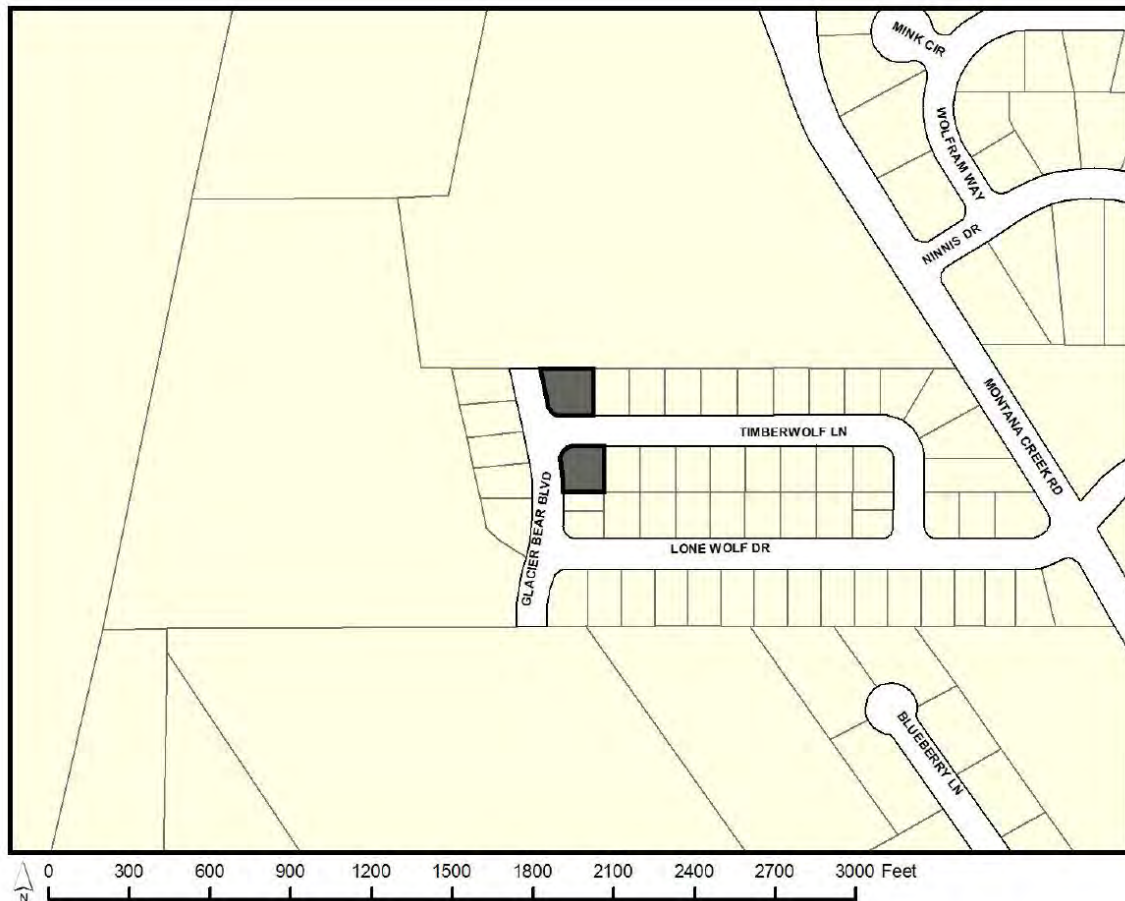
PROPOSAL: A major amendment to Montana Creek West Planned Unit Development (PUD) to allow subdivision of two lots (Lots 5 and 11) into four lots

GENERAL INFORMATION

Applicant: Roscoe G Bicknell III & Roscoe Bicknell IV
Property Owner: Roscoe G Bicknell III & Roscoe Bicknell IV
Legal Description: Montana Creek West 2B, Lots 5 and 11,
Parcel Code No.: 4B2901160405 and 4B2901160411 respectively
Site Size: 7,218 square feet (0.1637 acres) and 8,306 square feet (0.1907 acres) respectively
Comprehensive Plan Future Land Use Designation: Urban Low Density Residential (ULDR)
Zoning: D3
Utilities: Public Water/Public Sewer
Access: Timberwolf Lane or Glacier Bear Boulevard
Existing Land Use: Vacant
Surrounding Land Use: North – Vacant (D3)
South – Single-family dwelling (D3)
East – Single-family dwelling or vacant lot (D3)
West – Glacier Bear Boulevard Right-of-Way; Vacant lots (D3)

Planning Commission
 File No.: PDF2019 0001
 May 17, 2019
 Page 2 of 14

VICINITY MAP



ATTACHMENTS

- Attachment A – Application including narrative and preliminary plat
- Attachment B – Public notice
- Attachment C – Staff report, Notice of Decision, and minutes from original PUD approval
- Attachment D – Preliminary and final plat staff report, associated Commission minutes, and plat for Montana Creek West, Phase 2B
- Attachment E – Photo of homes developed on two lots in Montana Creek West PUD that have been similarly subdivided
- Attachment F – Compiled public comments

Planning Commission
File No.: PDF2019 0001
May 17, 2019
Page 3 of 14

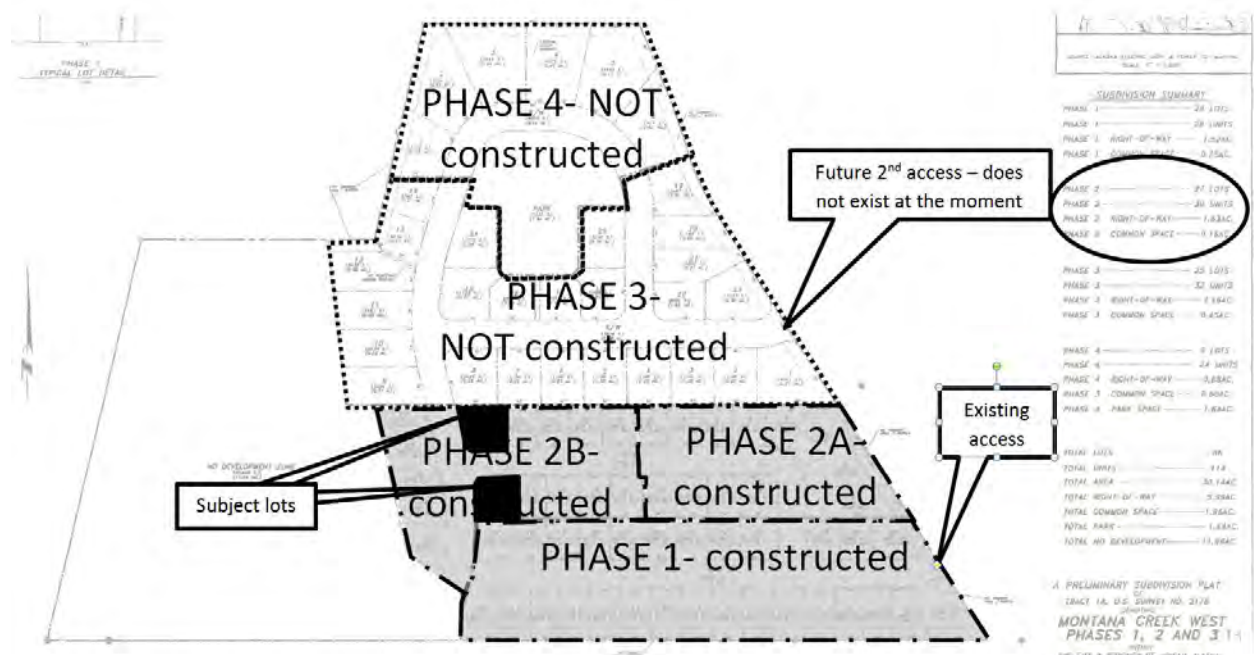
PROJECT DESCRIPTION

The applicants are proposing to further subdivide two lots into four lots within the Montana Creek West Planned Unit Development (PUD). Each existing lot would be subdivided into two lots (Lots 5 and 11). Lot 5 would be divided into a 2,855 square foot lot and a 4,364 square foot lot, while Lot 11 would be divided into a 3,559 square foot lot and a 4,747 square foot lot. This would be an amendment to the existing PUD approval. This amendment must be approved for the associated major subdivision to be approved (SMP2019 0002 and SMF2019 0001).

BACKGROUND

The Montana Creek West PUD was first approved in 2005 (see attached Notice of Decision for SUB2005-00048). The PUD was split into 4 phases of development – Phases 1 to 4. Phase 2 was split into two sub-phases – Phase 2A and 2B. The subject amendment concerns two lots within Phase 2B. Phases 3 and 4 have yet to be reviewed by the Planning Commission.

Typically, a PUD is reviewed twice by the Planning Commission, once for preliminary approval and once for final approval. It appears that only a major subdivision review has been undertaken in the past for the final approval of the various phases. This process has been corrected for this amendment.



Planning Commission
 File No.: PDF2019 0001
 May 17, 2019
 Page 4 of 14

The following summarizes the PUD/subdivision permit history of the Montana Creek West PUD.

SUB2005 00048	Preliminary approval of Montana Creek West PUD layout and lot sizes including
<i>Total of dwelling units approved in the entire PUD 114 Dwelling Units</i>	Phase 1 – 28 lots each with one dwelling unit. Median lot size 7,171 square feet.
	Phase 2 – 24 lots with one dwelling unit each plus 3 lots possibly with duplexes. Median lot size 6,300 square feet.
	Phase 3 – 18 lots with one dwelling unit each plus 7 lots possibly with duplexes. Median lot size of 11,100 square feet.
	Phase 4 – 6 lots each with a four-plex.
	Several PUD plat notes required including specifying how many dwelling units were allowed on each lot.
	Approved reduced setbacks from standard D3 setbacks.
SUB2006 00018	Final approval of Phase 1.
<i>Total dwelling units approved in Phase 1 is 28</i>	
SUB2007 00006	Modified all lots in the Phase 1 plat (including parent lots for later phases)
<i>Total dwelling units approved in Phase 1 is increased to 30.</i>	Removed option of zero foot setback on one side of lot with ten feet on remaining side. Replaced with 5 foot side yard setback for all lots.
	Drainage easements were modified. Altered perimeter drainage easement along southern lot line of Phase 1 and replaced 10 foot common lot line drainage easements with an easement 5 feet either side of common property lines.
	Plat also included subdivision of Lots 17 and 25, Phase 1. Lot 17A is immediately abutting what will be Lot 5B, Phase 2 if approved by this permit. The additional dwelling units approved in Phase 1 as a result of the additional lots were removed from Phase 4 by limiting two of the four-plex lots to triplexes.
SUB2007 00029	Phase 1 plat amended to allow an increase in maximum lot coverage from 35% (standard for D3 zoning) to 50%. This change in maximum lot coverage was for all lots in Phase 1 including the lot that would be the parent lot for Phases 2, 3 and 4 and so carries forward to all lots in the PUD.
SMP2012 0001/ SMF2013 0001	Phase 2A approval. Divides Phase 2 into Phase 2A and Phase 2B. Approves additional 12 lots.
<i>Total number of dwelling units approved for Phases 1 and 2A is 42.</i>	Sidewalk locations are modified. Sidewalk on one side of street required.

SMP2015 0004/ SMF2015 0006	Phase 2B is approved. Approves 15 lots.
<i>Total number of dwelling units approved for Phases 1, 2A and 2B is 57, or 60 if original approval of duplexes allowed.</i>	Sidewalk is modified to connect with Phase 2A modified sidewalk.
	Draft plat does not update plat note from Phase 2A regarding number of dwelling units allowed on each lot despite original approval allowing 3 lots in this phase to have duplexes.
	Request not to connect the street to Phases 3 and 4 is denied.
MIP2016 0017/ MIF2016 0010	Lot line adjustment of Lots 7, 8, 9, and 10, Phase 2B.
	PUD Plat note regarding number of dwellings is correct since the four lots were only allowed 1 dwelling in original PUD approval.

While the Montana Creek West PUD is zoned D3, the lot sizes within the Phases to date are less than the D3 minimum lot size of 12,000 square feet. This reduction in lot size was approved by the Planning Commission with the original PUD approval in 2005. It allows the same number of dwelling units that would have been able to fit onto the entire PUD site to be located on a smaller portion of the PUD site. The PUD was designed to preserve wetlands and shift development away from a flood hazard zone. Lot 29 of Phase 1 of the PUD was set aside to this end while also providing common open space dedicated to residents of the PUD. The dwellings that could have been located in the area covered by Lot 29 were instead shifted to the remaining portion of the PUD through a mix of smaller lot sizes and the allowance of multi-family dwellings.

The largest lot size in Phases 1, 2A and 2B is 12,698 square feet and the smallest is 2,810 square feet. The majority of the lots are between 6,000 and 8,000 square feet in size.

Water and sewer utilities as well as streets within the PUD are maintained by CBJ.

Although this subdivision will only result in four lots, PUD provisions in CBJ 49.15.620(a) require a subdivision within a Planned Unit Development to be reviewed as a major subdivision:

General procedure. A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

Planning Commission
 File No.: PDF2019 0001
 May 17, 2019
 Page 6 of 14

Additionally, per CBJ 49.15.660(c), the proposed subdivision is considered a major amendment to the existing PUD approval:

(c) Major amendment. All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

Separate staff reports addressing the technical review of the preliminary and final plats for the major subdivision approval are provided for SMP2019 0002 and SMF2019 0001.

Plat note on number of dwellings allowed - The original 2005 PUD approval Notice of Decision had a number of conditions regarding plat notes (see **Attachment C**). One plat note was required to indicate how many dwellings were allowed on each lot (Condition 1), and another plat note was required to state 'no additional dwelling units are allowed on lots beyond what is indicated' (Condition 15). After reviewing the staff report and minutes regarding the preliminary PUD approval, staff has determined that the intention of these two plat notes was to track the number of dwelling units within the entire PUD as the phases were approved.

The PUD was intended to be constructed in phases with a final approval for each phase. Phase 2 has been further split into Phase 2A and 2B. The relevant plat notes on Phase 1 and Phase 2A correctly indicated that only one dwelling unit per lot was approved per the original PUD review.

However, Phase 2B contains three lots that were identified for duplexes (i.e. two dwelling units per lot) in the original 2005 PUD review. These lots were Lots 13, 22, and 23 in the original PUD plan and correspond to Lots 11, 5, and 6 respectively in the Phase 2B final plat - see **Attachment D**. Unfortunately, the same plat note that correctly specified 'one dwelling per lot' on the Phase 1 and Phase 2A plats was duplicated on the Phase 2B plats. The applicants did not restate in their Phase 2B application that there would be two dwelling units on Lots 11, 5 and 6. Staff did not discuss this in the staff report, nor was it reflected in the minutes of the Commission meeting.

The developer now wants to subdivide two of the lots that were originally designated as duplex lots. Subdividing would effectively result in two dwellings on these existing lots which could be deemed to contradict the plat note requiring only one dwelling unit per lot. However, the resulting number of dwelling units would be in keeping with the original PUD approval.

Per CBJ 49.15.412(b), if there are restrictions on use of all or part of the property subdivided, a plat note should be added to the plat. Such plat notes are in favor of both the municipality and the public. The municipality may choose not to enforce plat notes. In addition, a specifically affected member of the public may pursue the enforcement of the plat note as a civil matter. When a plat note required by the Planning Commission is in question, the Commission can review the prescribed plat notes under an appropriate permit (e.g. major subdivision, or in this case a PUD amendment).

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Based on a review of relevant staff reports and associated minutes, staff recommends that the Commission recognize that the omission of duplexes in PUD Note 1 of the Phase 2 subdivision was in error and that two dwelling units in the form of a duplex should have been allowed on this lot. Acknowledging this error is relevant to the subsequent analysis. For clarity for future review of development in this subdivision, staff recommends that the dwelling unit discrepancy between what was approved in the 2005 review and the final Phase 2B is acknowledged.

ANALYSIS

Project Site – The proposed subdivision is within the Montana Creek West PUD of Montana Creek Road. Though zoned D3, due to the clustering mentioned above, the PUD has to date been developed with single family dwellings with a style and spacing of homes that would be more typical in a D5 zoning district.

Project Design - The proposed subdivision would create lots that are smaller than most lots within the constructed phases of the PUD although similar subdivision of two corner lots creating similar size lots has previously occurred during a replat of Phase 1. These lots have been developed and photos of these developments are provided in **Attachment E**. Assuming the Commission accepts staff's determination that the two subject lots are already approved to have duplexes on them, the subdivision would not allow for any additional 'primary' dwelling units than would be allowed when the PUD was first approved.

Planned Unit Development Design Standards - CBJ49.15.670 establishes requirements for PUD's such as a perimeter buffer, common open space, landscaping, and vegetative cover. The requested amendment does not propose to change any of these design features.

Traffic – The subdivision would not increase the number of dwelling units beyond what was originally approved for the PUD.

Parking and Circulation – Two parking spaces are required for each single family dwelling. Each proposed lot would be able to accommodate two parking spaces (which may include garage spaces). Parking would likely require 'back-out parking'. Per CBJ 49.40.230(b)(7), the Director has determined that back-out parking would be approved during the building permit review process for the single family homes that will be constructed on the proposed lots.

Each lot would have its own driveway access directly from the right-of-way (either Glacier Bear Boulevard or Timberwolf Lane). Based on the submitted plans, CBJ Engineering has determined that driveways could meet CBJ requirements.

Noise - The proposed development is not expected to create noise impacts to the neighborhood beyond those expected in a D-3 zoning district.

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Public Health or Safety – There is no evidence that the subdivision would negatively impact public health or safety. The subdivision would not impact the provision of light and air to neighboring properties. The subdivision would not impact existing fire access from the existing right-of-ways; fire access requirements were addressed in the original PUD approval with the known second access to Phase 3 of the PUD allowing for more than 30 dwelling units on one access in earlier phases. Building permits would be required when the lots are developed. The subject lots are outside of the flood hazard zone.

Habitat – No habitat regulated by the CBJ Land Use Code would be affected by the proposed subdivision.

Property Value or Neighborhood Harmony – The subdivision will not allow development that is out of character with adjacent properties. One lot on Glacier Bear Boulevard has already been similarly subdivided. The CBJ Assessor notes that the lot sizes would be smaller than most in the subdivision, but the use would be similar and the subdivision would not have any significant impact on the rest of the neighborhood.

Public notice was sent out to all property owners within the entire PUD. One member of the public commented that they did not wish to see duplexes on the subdivided lots but did support the subdivision if they were to be single family dwellings (see **Attachment F**).

Compliance with Conditions of Preliminary Approval – As mentioned above, the original PUD approval had conditions that were required to be met for approval of each phase. Many of those conditions are relevant to this requested amendment and relate to notes required on the associated subdivision plat. The conditions are identified below, with the relevancy of each to the requested amendment indicated:

1. *The total number of dwelling units allowed in the subdivision shall not exceed 114-units, and they shall be distributed as shown on the attached drawing entitled "proposed structure location".*

The number of dwelling units has been tracked throughout the PUD phases. The approval of the amendment would be in keeping with the dwelling unit distribution approved under the original review. The requirement to adhere to proposed structure locations was removed when the setback requirements for the PUD were amended.

2. *Prior to Final Plat approval the number of dwelling units allowed per a lot must be identified on plat.*
 PUD Plat Notes #1 and #5 on the associated subdivision plat address this.

3. *There shall be no disturbance or development within 25-feet of the exterior boundary of Montana Creek West PUD. Fences, sheds, decks, patios, and all other structures are not being allowed in the perimeter buffer. Disturbance to this buffer is limited to selective trimming of branches, and small bushes.*

This condition of approval is one that limits development around the exterior of the PUD. The subject lots

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are not on the perimeter of the PUD.

4. Final Plat shall contain a note stipulating the requirements of Condition #3.

The PUD Plat Note #2 on the associated subdivision plat has been carried forward to the associated subdivision plat for consistency with previous plats.

5. Final Plat shall contain a note stipulating the requirements of Ordinance of 2005-31.

The Ord. 2005-31 rezone ordinance had conditions regarding the development of wetlands and in the flood zone. It does not relate to the subject lots. But the plat note has been carried forward and is addressed in PUD Plat Note #3, on the associated plat.

6. An easement in favor of the residents of Montana Creek West PUD shall be dedicated on all common open spaces, and the purpose of such easement shall be to provide access for recreational uses, and allow for the development of hiking/walking trails.

PUD Plat Note #4 on the associated subdivision plat addresses this. The note was updated to reference the parent subdivision (Phase 2B) that originally granted this access.

7. Final plat shall contain a note stipulating the requirements of Condition #6.

PUD Plat Note #4 on the associated subdivision plat addresses this.

8. Final Plat shall show the floodplain boundary.

The subject lots are outside of the flood zone and this plat note is not applicable. It has not been required for the associated subdivision plat.

9. A 10-foot maintenance easement shall be dedicated on the lot adjacent to the lot whereon structures are situated on the common lot line; such easement shall extend the length of the lot.

This condition is no longer applicable. The 10-foot easement requirement was removed when new setbacks and drainage easement language was approved for the PUD. The note regarding 5-foot drainage easements on either side of the common property lines has been carried forward to the associated subdivision plat.

10. Final Plat shall show and describe maintenance easement required by Condition #9.

The relevant drainage easement note is provided under General Note #10.

11. Final Plat shall not be approved until temporary cul-de-sacs are provided, where necessary (as determined by CBJ Community Development) for each phase of the development.

No temporary cul-de-sacs are necessary for this amendment.

12. Final Plat shall not be approved until a ROW is dedicated to the adjacent Barrett parcel to the south as shown in Submittal dated January 11, 2006, or until an easement over parcel "A" in favor of CBJ for the construction of Rights of Way is recorded.

This is not applicable to the subject amendment, but it should be noted that a right-of-way has been

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platted to the 'Barrett' parcel during Phase 1.

- 13. Prior to issuance of a grading permit or PFT, the developer must submit a drainage plan and construction drawings illustrating all public improvements. Such plans must include provisions for addressing stormwater runoff during construction, and be approved by the CBJ Engineering Department.*

A construction and drainage plan has been accepted by CBJ Engineering during the review of the associated subdivision plat.

- 14. Proposed building envelope shall be shown on the Final Plat for each lot within the PUD.*

This is no longer applicable as the building area requirement was removed with the approval of alternative setbacks.

- 15. Final plat shall contain a note indicating, "No additional dwelling units are allowed on lots beyond what is indicated."*

PUD Plat Note #5 on the associated subdivision plat addresses this. An accessory apartment may be applied for through the Conditional Use Permit process for the subject lots. Accessory apartments do not count toward density as they are accessory uses and the purpose of PUD Note 5 was to ensure that the number of primary dwelling units that count toward density were not exceeded for the PUD. Any lot in the Montana Creek West subdivision that is undersized for the D3 zoning district would be required to meet CBJ 49.25.510(k).

- 16. With the exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25-feet.*

This is not applicable to the subject amendment but has been carried forward from previous plats for consistency and is PUD Plat Note #6 on the associated subdivision plat.

- 17. Building setbacks for proposed development shall be those recommended by staff in this report.*

Building setbacks were amended following the original PUD approval. PUD Plat Note #7 on the associated subdivision plat shows these amended setbacks.

- 18. Required building setbacks shall be noted on the final plat*

PUD Plat Note #7 on the associated subdivision plat shows these amended setbacks.

- 19. Prior to Final Plat approval the developer must:*

- a. Verify the existing contents and depths of the pond to the satisfaction of the CBJ Engineering Department - prior to any more filling.*
- b. All existing organics must be removed from the ponds prior to the commencement of any filling.*
- c. The developer must submit engineered plans for filling the dredge ponds; such plans must be approved by the Engineering Department and include calculations that address liquefaction in a seismic event, as well as static loading. Recommended methods for achieving consolidation may*

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include surcharging, vibroflotation, and or other methods proposed by the developers Engineer and approved by the CBJ Engineering Department.

- d. All fill must be placed in accordance with such engineered plan.*
- e. The developers Engineer must verify consolidation at all depths after filling efforts are complete, and identify methods for such.*
- f. An appropriate bond and inspection fee will be required to guarantee for the satisfactory completion of such fill.*

This condition is not relevant to the proposed amendment. This condition refers to pond impacts in Phases 3 and 4.

- 20. The restoration plan submitted with USE1999-00016 shall remain a permit requirement until such time that the applicant provides the necessary engineered drawings for the filling of the dredge ponds, and provides the necessary bonding to guarantee for such.*

Filling of dredge ponds in the vicinity of the subject lots was addressed during the review of Phase 2B.

- 21. Advisory: the applicant is required to submit a storm water and pollution prevention plan with the Alaska Department of Environmental Conservation.*

Advisory only - no action is necessary for compliance.

- 22. Prior to final plat approval for Phase 3, Parcel "A" (no development zone), shall have a conservation easement placed on it and such parcel shall be deeded to a non-profit organization of the developers choice, as approved by the director of CDD.*

This condition is not relevant to the subject amendment.

- 23. CBJ Parks and Recreation department must approve park design that will be built by developer and dedicated to CBJ.*

This condition is not relevant to the subject amendment; it applies to future phases wherein the developer will be restoring the subject pond and constructing a park.

Conformity with Adopted Plans -

2013 Comprehensive Plan

The Comprehensive Plan provides a 20-year outlook on how the community should be developed, preserved, or maintained. The Plan designates areas of land for general uses. The Comprehensive Plan designates the subject neighborhood as Urban Low Density Residential (ULDR), which is defined as urban or suburban lands with detached and attached single family residences, bungalow housing, etc. at densities of 1-6 units per acre. Commercial uses are allowed but should be at a residential scale. The project will continue the construction of single family homes at a density of up to three units per acre. The project is consistent with the ULDR land designation.

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The Comprehensive Plan recommends many policies pertaining to the need for more housing opportunities for the community due to a severe housing shortage. The following policies of the Comprehensive Plan are germane to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. (Page 37)

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. (Page 129)

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.
 (Page 130)

The proposal will provide for more residential development in an area with public utilities in a PUD that allows for flexible lot configurations. The proposal is consistent with the Comprehensive Plan.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,

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3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.110 for the D3 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 17 and May 27, 2019, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcels. Moreover, a public notice sign was posted on the subject parcels, visible from the public right-of-way.

4. Will the proposed development materially endanger the public health or safety?

No. There is no evidence that the proposed amendment, with conditions, will endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. There is no evidence that the proposed amendment, with conditions, will decrease the value or be out of harmony with properties in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development, with the proposed amendments, is in general conformity with CBJ Title 49 of the Comprehensive Plan.

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Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested amendment to Planned Unit Development Permit SUB2005-00048 and SMF2015-0016. The permit would allow the subdivision of Lots 5 and 11 within Phase 2 of the Montana Creek West Planned Unit Development. The approval is subject to the following conditions:

1. Approval of a major subdivision permit (SMP2019 0002 and SMF2019 0001) by the Planning Commission.
2. Prior to recording of the associated subdivision plat, it needs to be made clear that the restriction to one dwelling on Lots 5, 6, and 11 was an oversight during the Phase 2B subdivision. Planned Unit Development Plat Note #1 shall be amended regarding the number of dwelling units per lot.

The plat note should additionally state that the limitation on the number of dwelling units on the Phase 2B plat should have identified that Lots 5, 6, and 11, Phase 2B, were originally approved as potential duplex lots (i.e. two dwelling units) under the 2005 preliminary approval of the PUD.

3. Prior to recording of the associated subdivision plat, add a plat note under Planned Unit Development Notes stating that the maximum lot coverage for the Planned Unit Development is 50%. This will ensure future building permit reviews do not mistakenly require the standard that normally applies in D3 zoning.
4. Prior to recording of the associated subdivision plat, it needs to be made clear that the restriction to one dwelling unit does not preclude accessory apartments. Planned Unit Development Plat Note #5 shall be amended. The plat note should additionally state that accessory apartments may be allowed in accordance with CBJ 49.25.510(k) 'Accessory Apartments'.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Major Amendment to Montana Creek West, Phase II B (PAC 20180076) making an amendment to the PUD by splitting Lots 5 & 11		
	PROPERTY LOCATION		
	Street Address	City/Zip	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lots 5 & 11, Montana Creek West, Phase II B		
	Assessor's Parcel Number(s) 4B2901160405 & 4B2901160411		
	LANDOWNER/ LESSEE		
	Property Owner's Name Roscoe Bicknell IV	Contact Person: David Blommer	Work Phone: 907-789-5727
	Mailing Address P.O. Box 33517, Juneau, AK 99803-3517	Home Phone:	Fax Number:
	E-mail Address dblommer@bicknellinc.com	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X			Date 3/4/19
X		Landowner/Lessee Signature	Date
X		Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X	Applicant's Signature	Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
	☒	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments: See Pre-App notes & Inq letter			Permit Intake Initials 

Attachment A - Application

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

Major amendment to Montana Creek West, Phase 2B (PAC 20180076)

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____

PUD uses CUP process

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lots *~15,500* square feet

Total Area of Existing Structure(s) *NONE* square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☒ No
☒ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☐ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- NA* ☐ Floor plan(s) *NA*
- NA* ☐ Elevation view of existing and proposed buildings *NA*
- NA* ☐ Proposed vegetative cover
- NA* ☐ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

*- See abailh
Drainage Plan not submitted
but grading
plan
exists for
Montana Creek
West Phase 2B.*

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>350</i>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <i>100</i>			
Pub. Not. Sign Deposit	\$ <i>100</i>			
Total Fee	\$ <i>550</i>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Attachment A - Application

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

Date Received

PDF 2019

SUBDIVISION OR PLATTING APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
----------------	------------------------------	-------------	---------------

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

(see submittal requirements on reverse)

MINOR SUBDIVISION

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
☐ Final Plat (MIF)
☐ Panhandle Subdivision
☐ Accretion Survey
☐ Boundary Adjustment
☐ Lot Consolidation (SLC)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☐ Other _____

MAJOR SUBDIVISION

(changing or creating 14 or more lots)

- ☒ Preliminary Plat (SMP) *And*
☒ Final Plat (SMF)
☐ Preliminary Development Plan - PUD (PDP)
☒ Final Development Plan - PUD (PDF)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☒ Other *Amendment to PUD - See CUP application*

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED:

Lots 5 & 11, Montana Creek West, Phase II B

Number of Existing Parcels 2 Total Land Area 15,524 sq ft Number of Resulting Lots or Parcels 4

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS: ☒ NO ☐ YES If Yes, provide the Case Number _____

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO

CURRENT USE OF LAND OR BUILDING(S): Vacant, residential

PROPOSED USE OF LAND OR BUILDING(S): residential

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): Lots are within a PUD

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

SUBDIVISION/PLATTING FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>720</u> <i>440 - Prelim 280 Final</i>			
Admin. of Guarantee	\$ <u>-</u>			
Adjustment	\$ <u>-</u>			
Total Fee	\$ <u>720</u>			

Public notice sign paid for under PDF

Attachment A - Application

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

**City and Borough of Juneau
Permit Center**

3/6/2019 8:03:14 AM
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Cash Balancing Report - Not Posted

Deposit Number : 52352 - 20190305 Cdd Payments

Seq	ENTRY DATE/EFFECTIVE	PAYOR/CUSTOMER NAME	ACCT NUMBER/BAR CODE	Additional Information	Trans Type	SS	USER ID	AMOUNT	TENDER	REFERENCE	PAYMENT
1	3/5/19 3/5/19	HERB'N LEGENDS	MJL00000024	/200643089	pmt	LM	Kyle_Paw	250.00	Credit Card	90459C	250.00
2	3/5/19 3/5/19	LOWPETE CONSTRUCTION	BLD20190064	/200023793	pmt	LM	Kyle_Paw	1,714.56	Credit Card	00308D	1,714.56
3	3/5/19 3/5/19	LOWPETE CONSTRUCTION	UTL20190013	/200023793	pmt	LM	Kyle_Paw	3,000.00	Credit Card	00308D	3,000.00
4	3/5/19 3/5/19	LOWPETE CONSTRUCTION	UTL20190014	/200023793	pmt	LM	Kyle_Paw	1,000.00	Credit Card	00308D	1,000.00
5	3/5/19 3/5/19	LOWPETE CONSTRUCTION	UTL20190014	/200023793	pmt	LM	Kyle_Paw	60.00	Credit Card	00308D	60.00
6	3/5/19 3/5/19	BICKNELL III & ROSCOE BIC	PDF20190001	/200866028	pmt	LM	Kyle_Paw	550.00	Credit Card	02309G ✓	550.00
7	3/5/19 3/5/19	BICKNELL III & IV ROSCOE	SMP20190002	/200866031	pmt	LM	Kyle_Paw	450.00 ✓	Credit Card	02309G ✓	450.00
8	3/5/19 3/5/19	BICKNELL III & IV ROSCOE	SMF20190001	/200866031	pmt	LM	Kyle_Paw	280.00 ✓	Credit Card	02309G	280.00

TOTAL \$7,304.56

PAYMENT DISTRIBUTION TO CLASS CODE		
CLASS CODE		AMOUNT
BLDG	BLD- Bldg Permit Fee	1,714.56
CLS	PLN- Class Planning	350.00
FNL	PLN- Major Sub Final	280.00
MJLIC	LIC- Marijuana License	250.00
PREL	PLN- Major Sub Prelim	450.00
PREP	Sign Prep Fee	50.00
SASS	ENG- Sewer Assessment	1,000.00
SINS	ENG- Sewer Inspection	60.00
SNDP	Sign Deposits	150.00
WASS	ENG- Water Assessment Fee	3,000.00
LM	2020	7,304.56
	Total distributed:	7,304.56

PAYMENT DISTRIBUTION BY GL ACCOUNT		
GL ACCOUNT		Amount
CREDITS		
110010101-2410-0008 Sign Deposit		(150.00)
110160101-4400-0000 License Revenues		(250.00)
110160101-4420-0008 Planning & Zoning		(1,130.00)
110160301-4410-0000 Permit Revenues - CDD		(1,714.56)
538240302-4410-0000 Permit Revenues - Swr Ext		(1,060.00)
539240301-4410-0000 Water Extension Fees		(3,000.00)
	CREDITS	(7,304.56)
DEBITS		
110010101-1050-0022 CDD Cash Clearing		7,304.56
	DEBITS	7,304.56

Attachment A - Application



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

October 17, 2018

Case No.: INQ2018 0012
Parcel No.: 4B2901160405/4B2901160411

Roscoe Bicknell
Attn: David Blommer
PO Box 33517
Juneau, AK 99803

RE: Inquiry regarding subdivision of two lots within Phase 2B of the Montana Creek West
Planned Unit Development and an amendment to the Planned Unit Development Plan

Dear Mr. Blommer,

Many thanks for your inquiry seeking a determination by the Director of the Community Development Department (CDD) whether or not a subdivision of two existing lots within the Phase 2B of the Montana Creek West Planned Unit Development (PUD) would be a minor modification of the approved PUD.

The CDD Director has determined the proposed subdivision would be a major amendment to the PUD and that a review of the proposed subdivisions by the Planning Commission will be required.

The determination is based on the following facts:

The Montana Creek West PUD was first approved by the Planning Commission in 2005 (SUB2005-00048). The PUD was to be developed in four phases. The subject lots were part of what was then identified as Phase 2. Phase 2 was to include 27 lots, three of which were proposed to be developed with duplexes resulting in 30 dwelling units. The median lot size of Phase 2 was to be 6,300 square feet which was approximately 800 square feet smaller than those in Phase 1. The subject lots of this inquiry are two of the lots identified as duplex lots. Phase 2 was ultimately split into two sub phases (Phase 2A and 2B).

The Notice of Decision for the original PUD approval had a number of conditions including a requirement for one plat note to identify how many dwelling units could be constructed on

Bicknell/Blommer
INQ2018 0012
October 17, 2018
Page 2 of 4

each lot and a plat note stating that no additional dwelling units were allowed on the lots within the subdivision.

The plat for Phase 1 was approved by the Planning Commission under SUB2006-00018 (Plat 2006-38). This plat contains PUD plat notes to satisfy the conditions described above (PUD notes 1 and 5). The approved setbacks and a drainage easement were modified through a replat of Phase 1, which required Planning Commission approval (SUB2007-00006, Plat 2007-20). During that same plat revision, two of the original Phase 1 lots (Lots 17 and 25) were also subdivided through the minor subdivision process (SUB2007-00012, and 2007-00011 respectively). CDD has been unable to find evidence in the staff report and the associated meeting minutes that this was reviewed by the Planning Commission, although the case description in CDD's records indicates these minor subdivisions had some association with the replat that was approved by the Planning Commission. Another modification to increase maximum lot coverage limits from 35% to 50% was approved by the Planning Commission later in 2007 (SUB2007-00029) – a new plat was not recorded.

Phase 2A (12 lots) was approved by the Planning Commission under SMP2012-0001 and SMF2013-0001 (plat 2013-16). The staff report for this approval identified that each lot in this sub-phase of Phase 2 would only feature single family dwellings. PUD plat notes 1 and 5 were added to the plat accordingly. When Phase 2B (15 lots) was reviewed by the Planning Commission (SMP2015-0004 and SMF2015-0006, Plat 2016-03), the number of dwelling units on each lot was not specifically addressed in the application nor in the staff report. PUD note 1 on the draft plat submitted with the application stated that only one dwelling would be situated on each of the 15 lots in the subdivision with PUD note 5 stating that no further dwellings were allowed. This limitation on the number of dwelling units per lot made it to the recorded plat. It has also been noted that PUD note 1 for Phase 2B was amended based on a condition by CDD staff during the 2015 final plat review to read as if there 28 lots in that subdivision phase when in fact there were only 15.

The PUD section of the Land Use Code (CBJ 49.15 Article IV) provides for amendments to an approved PUD (CBJ 49.15.660). This outlines under what circumstances the CDD Director can approve a minor modification with all other modifications requiring Planning Commission approval. The amendment process has been used a number of times as evidenced by previous Planning Commission review of amendments to the original approval. Although the original number of dwelling units approved for Phase 2 would not be exceeded by allowing further subdivision of Lots 5 and 11 of Phase 2B, it would be in conflict with the Planned Unit Development notes on the face of the Phase 2B plat. The Director has found that the additional lots would not meet the conditions of the original plan approval. In addition, the general review procedure for a PUD (CBJ 49.15.620) also states that an application proposing a change in the number or boundaries of lots is required to be reviewed as a major subdivision as well as reviewed according to the Conditional Use Permit process. Based on this requirement, the proposed subdivision of two of the lots into a total of four lots must be reviewed as a major

Bicknell/Blommer
INQ2018 0012
October 17, 2018
Page 3 of 4

subdivision by the Planning Commission. The proposal must also be reviewed through the Conditional Use Permit process for an amendment to the existing PUD plan.

I have attached the relevant section of the Land Use Code at the end of this letter.

It is unclear how the determination that the two previous minor subdivisions were considered to be minor amendments of the PUD, as CDD has been unable to find any documentation regarding this decision.

As stated above, a revision of the approved plat by the Planning Commission will be required. This will also provide an opportunity to correct the plat notes and have a complete and clear platting history.

The proposed amendment will require a preliminary and final approval of the PUD amendment through the Conditional Use Permit process and a major subdivision preliminary and final plat review. The combined fees for the preliminary and final PUD approval will be \$350 (Class I Use for four or fewer residential structures). The major subdivision fees will be \$440 (\$110 per lot) for the preliminary plat review and \$280 (\$70 per lot) for the final plat review. It may be possible to present all four cases to the Planning Commission at one meeting to take action on these revisions.

A pre-application conference will also be required to review the proposal prior to submittal. Following the pre-application conference, you may submit the required permit applications which are:

- A Conditional Use Permit application including a narrative.
- A subdivision application including a draft amended Phase 2B plat and proposed construction plans for the four lots. The construction plans should show existing and proposed utility connections, driveways, proposed building locations, and drainage.

Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Felstead", with a stylized flourish at the end.

Tim Felstead, Planner
Community Development
Tel: (907)-586-0466
tim.felstead@juneau.org

Bicknell/Blommer
 INQ2018 0012
 October 17, 2018
 Page 4 of 4

Land Use Code references

49.15.620 - Planned unit development review process.

- (a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

49.15.660 - Amendments to approved planned unit development plan.

- (a) *Request for amendment.* The developer of a planned unit development may request an amendment to an approved preliminary or final planned unit development plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
- (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall planned unit development, and the criteria set out in subsection 49.65.630(d), and would result in:
- (1) Insignificant change in the outward appearance of the development;
 - (2) Insignificant impacts on surrounding properties;
 - (3) Insignificant modification in the location or siting of buildings or common open space;
 - (4) No reduction in the number of parking spaces below that required;
 - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
- (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Montana Creek West 2B modification

Case Number: PAC2018 0076

Applicant: Roscoe Bicknell III

Property Owner: Roscoe Bicknell III

Property Address: Timberwolf Lane

Parcel Code Number: 4B2901160405 and 4B2901160411

Site Size: 7,218 Square Feet

Zoning: D3

Existing Land Use:

Conference Date:	11/21/2018 1:30pm
Report Issued:	11/30/2018

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
David Blommer	Applicant	dblommer@bicknellinc.com
Tim Felstead	Planning	Tim.felstead@juneau.org
Kyle Paw	Permit Tech	Kyle.paw@juneau.org
Autumn Sapp	General Engineering	Autumn.Sapp@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Zoned D3 but part of an existing Planned Unit Development. Applicant has already received a response to their inquiry regarding the process to subdivide the two subject lots. See attached letter in response to INQ18-12. A review of both the PUD and the Subdivision will be required by the Planning Commission.

The plat notes on the existing plat should be updated so the plat submitted should just be a modification of the Montana Creek West Phase 2B plat. The number of dwellings allowed in the phase should be corrected to reflect all the lots created in the modified Phase 2B.

2. **Setbacks** – Standard D3 setbacks and lot size do not apply. Per existing plat for Phase 2B of the Montana Creek West subdivision in which the subject lots are located setbacks are:

Front – 20ft

Rear - 15ft

Side – 5 ft.

Street side – 13 ft.

The could potentially be amended through the review of the PUD (see inquiry letter attached)

3. **Height** – 35 feet for permissible uses and 25 feet for accessory uses.
4. **Access** – Proposed driveway locations should be shown on a proposed site plan/as built. Corner lots could potentially have one driveway on each right-of-way with approval from CBJ General Engineering.
5. **Parking** – Parking is 2 spaces per single family dwelling. Garage spaces can count towards this but only one of the spaces can be 'stacked' (i.e. one in the garage and one in front of the garage). Back out parking into the right of way would need to be approved by the Director.
6. **Lot Coverage** – Maximum lot coverage is 50% per SUB2007-00029.
7. **Vegetative Coverage** – Minimum vegetative cover per lot is 20%
8. **Lighting** – NA
9. **Noise** – NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – NA
14. **Plat or Covenant Restrictions** – Subject to approved PUD requirements. Subdivision does not affect this unless changes are required or approved by the Planning Commission.

Pre-Application Conference Final Report

Building Division:

15. **Building** – NA

16. **Outstanding Permits** - NA

General Engineering/Public Works:

17. **Engineering** – NA

18. **Drainage** – Submit a drainage plan indicating how drainage from the proposed subdivision will join an established drainage channel or channels. Easements must be provided on the plat for all established drainage ways or any proposed drainage ways that cross any current or future abutting property lines.

19. **Utilities** – (water, power, sewer, etc.)

- a. A minimum of 1" water service and 4" sewer service will need to be installed to the newly created lots within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan with for the new utilities. The plan needs to include pipe locations, sizing, and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities.

The following permits will need to be obtained to provide utilities to the newly created lot:

- i. **CBJ right-of-way (ROW) permit**- Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will cover the tapping of the water and sewer mains and road restoration within the CBJ right-of-way. Inspection fees, refundable bond amount conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application.

Fire Marshal:

20. **Fire Items/Access** –

Other Applicable Agency Review:

21. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. (Add application forms required)
2. (Add notes as necessary)

Additional submittal requirements:

Pre-Application Conference Final Report

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

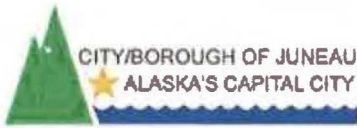
1. **PUD amendment** - combined fees for the preliminary and final PUD approval will be \$350 (Class I Use for four or fewer residential structures)
2. **Major subdivision** - \$440 (\$110 per lot) for the preliminary plat review and \$280 (\$70 per lot) for the final plat review.
3. **Public Notice Sign** - A sign will be needed for each lot being subdivided. Fee will be \$150 (\$100 refunded when sign is returned).
4. **ROW Permit** (work within the ROW)
 - a. \$10 permit fee
 - b. Inspection fees - \$60 per inspection trip or hour, will be determined at time of construction plan review
 - c. Refundable bond – will be determined at time of construction plan review. Can be paid in the form of cash, check, surety, or conveyance.
 - d. Bond fee – dependent on type of bond payment.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
 Permit Center
 230 S. Franklin Street,
 Fourth Floor Marine View Center
 Juneau, AK 99801



PRELIMINARY PLAT CHECK LIST

Name of Proposed Subdivision: LOT 5A, 5B, 11A, & 11B, MONTANA CREEK WEST, PHASE II B

The following items must be included with the initial submittal of a Preliminary Plat:

- ☒ Application, filled out completely
- ☒ Application fee (see fee schedule)
- ☒ Project Narrative
- ☒ Five (5) – 22" by 34" Copies
- ☒ Pre-application Conference Report
- ☒ Lot Closure Report
- ☐ Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.
- ☒ Preliminary Plat Checklist: I have reviewed the checklist and all submittals for completeness and accuracy.

Jason Langen

Digitally signed by Jason Langen, PLS
Date: 2019.02.25 16:48:44-09'00'

February 25, 2019

Signature

Date

Jason Langen, PLS

Print Name

GENERAL REQUIREMENTS

- ☒ The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska
- ☒ The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternate sheet sizes
- ☒ 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
- ☒ 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
- ☒ 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

GRAPHIC REQUIREMENTS - A preliminary plat shall contain the following information:

Title block - An enclosed title block in the lower right-hand corner containing the following information:

- ☒ The proposed name of the subdivision
- ☒ 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
- ☒ "City and Borough of Juneau, Alaska"
- ☒ "State Recorder's Office at Juneau"
- ☒ The date the preliminary plat was prepared and revised
- ☒ The horizontal scale
- ☒ The name and address of the owner of record
- ☒ The name, address, and telephone number of the surveyor preparing the preliminary plat

Attachment A - Application



PRELIMINARY PLAT CHECK LIST

Lot, block, and street information:

- ☒ The area of each lot
- ☒ The dimensions in feet and hundredths of a foot
- ☒ An identifying number and letter for lots and blocks
- ☒ Lots numbered consecutively, commencing with the number "1," with no omissions or duplications
- ☐ If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number
- ☐ 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
- ☒ Abutting properties shall be shown with dashed lines, numbers, and/or letters
- ☐ 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
 - ☒ The minimum data shown for each curve shall be as follows:
 - ☒ Length
 - ☒ Central angle
 - ☒ Radius
 - ☒ Bearing and distance of long chord
 - ☒ Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots

Boundary lines:

- ☒ All boundary lines of the subdivision with bearings and distances described
- ☒ 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
- ☒ 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
- ☐ 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

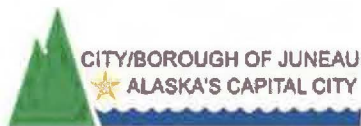
Monumentation:

- ☒ The monuments used to establish the basis of bearing
- ☒ Each monument found or set shall be identified on the plat by a symbol
- ☒ 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
- ☒ A legend showing the symbols for all the types of monuments
- ☒ The identification, description location, elevation, and datum of the benchmark used to establish vertical control

Site access, circulation, and utilities:

- ☒ The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary
- ☐ Proposed rights-of-way, including their widths and proposed names
- ☐ The grades of existing and proposed streets within these rights-of-way
- ☒ The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary
- ☒ The width, ownership, and use of all proposed easements

Attachment A - Application



PRELIMINARY PLAT CHECK LIST

- ☒ All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground
- ☐ 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
- ☐ Proposed trails or pathways and widths of their rights-of-way
- ☐ 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
- ☒ The location of any existing or proposed driveways/curb cuts that access or are proposed to access any existing or proposed street

Topographic information:

- ☐ For slopes of less than five percent, show one foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions
- ☐ For slopes between five percent and ten percent, show two foot contour lines
- ☐ For slopes greater than ten percent, show five foot contour lines
- ☐ Every fifth elevation contour shall be distinctive and clearly labeled
- ☐ Dashed lines shall represent existing contours
- ☐ 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
- ☐ If irregular slopes or special features are present, additional contour information may be required by the director of engineering and public works for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:
 - ☐ Pad elevations and drainage patterns for each lot
 - ☐ Tops and toes of all manufactured slopes, including daylight lines
 - ☐ Existing and proposed retaining wall locations and heights
- ☐ For subdivisions located in hillside areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70, Article II

Sewer and water:

- ☒ Existing sewer and water mains within the tract with pipe sizes and grades
- ☒ 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

Multisheet plats:

- ☐ When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:
 - ☐ North arrow
 - ☐ Legend
 - ☐ Surveyor's seal and signature
 - ☐ Title block
 - ☐ Sheet _____ of _____
 - ☐ Scale
 - ☐ All plat notes
 - ☐ Vicinity map

PRELIMINARY PLAT CHECK LIST

ADDITIONAL MAPPING OR REPORTS- If required, the following additional mapping or reports shall be submitted:

Hazard and Special Habitat Areas:

- ☐ Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat
- ☐ The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations

Soils report:

- ☐ A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:
 - ☐ Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal
 - ☐ The location and size of drain fields for each lot
 - ☐ The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal
 - ☐ If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed
 - ☐ 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

Drainage report:

- ☐ A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:
 - ☐ A 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
 - ☐ 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
 - ☐ An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem
 - ☐ 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

Water:

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

Attachment A - Application



PRELIMINARY PLAT CHECK LIST

- ☐ A copy of the State application for a permit to appropriate water in the quantity required to meet the subdivisions demands
- ☐ This does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.
- ☐ 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.

Erosion control:

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

Traffic study:

- ☐ A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.

Shadow plats:

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

Parcel Map Check Report

Client:

Bicknell, Inc.
 Amendment to 2016-3
 Montat Creek West, Phase 2B
 Date: 9/26/2018 2:25:26 PM

Prepared by:

Jason Langen, PLS
 PDC Engineers
 6205 Glacier Hwy. Juneau, AK 99801
 PDC Proj. No. 16206JN

Parcel Name: Lot 11A

Description:

Counterclockwise order: False

Cross-chord enabled: False

North: 9,128.1587'

East: 7,121.1059'

Segment# 1: Line

Course: N12°46'58"W

North: 9,164.1540'

Length: 36.91'

East: 7,112.9394'

Segment# 2: Line

Course: N89°56'11"E

North: 9,164.2682'

Length: 102.91'

East: 7,215.8493'

Segment# 3: Line

Course: S0°3'49"E

North: 9,128.2682'

Length: 36'

East: 7,215.8893'

Segment# 4: Line

Course: S89°56'11"W

North: 9,128.1630'

Length: 94.78'

East: 7,121.1093'

Perimeter: 270.60'

Error Closure: 0.0055

Error North : 0.00427

Area: 3,558.51Sq.Ft.

0.08 ac.

Course: N38° 46' 08"E

East: 0.00343

Precision 1: 49,200.00

Parcel Name: Lot 11B

Description:

Counterclockwise order: False

Cross-chord enabled: False

North: 9,092.3630'

East: 7,129.2271'

Segment# 1: Line

Course: N12°46'58"W

North: 9,128.1632'

Length: 36.71'

East: 7,121.1048'

Parcel Map Check Report

Client:

Bicknell, Inc.
 Amendment to 2016-3
 Montat Creek West, Phase 2B
 Date: 9/26/2018 2:25:26 PM

Prepared by:

Jason Langen, PLS
 PDC Engineers
 6205 Glacier Hwy. Juneau, AK 99801
 PDC Proj. No. 16206JN

Segment# 2: Line

Course: N89°56'11"E
 North: 9,128.2684'

Length: 94.78'
 East: 7,215.8848'

Segment# 3: Line

Course: S0°3'49"E
 North: 9,074.2685'

Length: 54'
 East: 7,215.9447'

Segment# 4: Line

Course: S89°56'11"W
 North: 9,074.2215'

Length: 42.28'
 East: 7,173.6648'

Segment# 5: Curve

Length: 16.85'
 Delta: 7°25'38"
 Chord: 16.84'
 Course In: S0° 03' 49"E
 RP North: 8,944.2216'
 End North: 9,073.1122'

Radius: 130.00'
 Tangent: 8.44'
 Course: S86° 13' 22"W
 Course Out: N7° 29' 27"W
 East: 7,173.8091'
 East: 7,156.8613'

Segment# 6: Curve

Length: 36.96'
 Delta: 84°42'29"
 Chord: 33.69'
 Course In: N7° 29' 27"W
 RP North: 9,097.8988'
 End North: 9,092.3674'

Radius: 25.00'
 Tangent: 22.79'
 Course: N55° 08' 12"W
 Course Out: S77° 13' 02"W
 East: 7,153.6021'
 East: 7,129.2217'

Perimeter: 281.58'
 Error Closure: 0.0070
 Error North : 0.00438

Area: 4,747.40Sq.Ft.
 Course: N50° 59' 28"W
 East: -0.00541

0.11 ac.

Precision 1: 40,225.71

Parcel Name: Lot 5A
 Description:

Parcel Map Check Report

Client:

Bicknell, Inc.

Amendment to 2016-3

Montat Creek West, Phase 2B

Date: 9/26/2018 2:25:26 PM

Prepared by:

Jason Langen, PLS

PDC Engineers

6205 Glacier Hwy. Juneau, AK 99801

PDC Proj. No. 16206JN

GENERAL NOTES

- THIS PLAT AMENDMENT SUPERCEDES PLAT NO. 2016-3, J.R.D. WITH RESPECT TO LOT 5 AND 11.
- BASIS OF BEARING**
THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N90°00'00"E BETWEEN THE RECOVERED G.L.O./B.L.M. MONUMENTS FOR CORNER 2, U.S. SURVEY 2178 AND CORNER 4, U.S. SURVEY 2079.
- ALL DISTANCES AND DIMENSIONS ARE IN U.S. SURVEY FEET AND ARE REDUCED TO THEIR HORIZONTAL EQUIVALENTS.
- WHERE RECORD SURVEY COURSES BEARINGS, DISTANCES, OR DIMENSIONS DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES, THE RECORD INFORMATION IS SHOWN IN PARENTHESIS AND REFERENCED TO A RECORDED PLAT (R#).
- THIS SURVEY WAS PERFORMED UTILIZING ON-THE-GROUND CONVENTIONAL TRIMBLE S-7 ROBOTICS TOTAL STATION WITH STANDARD LASER DISTANCE MEASURING TECHNIQUES.
- FIELD CLOSURE FOR THE CONVENTIONAL HORIZONTAL TRAVERSE DOES NOT EXCEED 1:10,000.
- THE FIELD SURVEY WAS PERFORMED ON AUGUST 8, 2016 AND OCTOBER 1, 2018.
- RECORD INFORMATION**
THE RECORD INFORMATION USED FOR THIS SUBDIVISION IS DERIVED FROM THE OFFICIAL PLAT NO. 2016-3, J.R.D., DATED FEBRUARY 5, 2016.
- UTILITIES STATEMENT**
DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- STORMWATER RUNOFF**
THE ON-LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
- PLANNED UNIT DEVELOPMENT NOTES**
 - THE TOTAL NUMBER OF DWELLING UNITS PER LOT ALLOWED FOR LOTS 5A, 5B, 11A AND 11B IS ONE (1).
 - THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF MONTANA CREEK WEST PUD, FENCES, SHEDS, DECKS, PATIOS, AND ALL OTHER STRUCTURES ARE NOT ALLOWED IN THE PERIMETER BUFFER. DISTURBANCE TO THIS BUFFER IS LIMITED TO SELECTIVE TRIMMING OF BRANCHES, AND SMALL BUSHES. SEE NOTE 3.
 - THIS SUBDIVISION SHALL ADHERE TO THE REQUIREMENTS OF C.B.J. ORDINANCE 2005-31 AS FOLLOWS:
 - ZONING FOR ALL LOTS WITHIN THE SUBDIVISION IS ZONED D-3
 - LOT 29 IS DESIGNATED AS A NO DEVELOPMENT AREA, COMMON OPEN AREA;
 - THERE SHALL BE NO DEVELOPMENT IN AREAS WHERE WETLANDS AND FLOODPLAINS COINCIDE
 - DEVELOPMENT OF WETLANDS FOR LOT 1-28 AND LOT 30A SHALL BE ALLOWED AND DEEMED CONSISTENT WITH ENFORCEABLE POLICIES OF THE JUNEAU COASTAL MANAGEMENT PROGRAM AS ADOPTED IN CBJ 49.70.100, IF SUCH DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE CBJ LAND USE CODE;
 - DENSITY ALLOWANCE OF A PARCEL WHICH IS SUBJECT TO THE DEVELOPMENT RESTRICTIONS OF CURRENT ZONING SHALL BE TRANSFERABLE TO THE FRACTION OF ANY SUCH PARCEL OF WHICH IS NOT SUBJECT TO RESTRICTIONS OF CURRENT ZONING PURSUANT TO THE REQUIREMENTS OF THE PLANNED UNIT DEVELOPMENT PROCESS AS SET FORTH IN CBJ 49.15.600
 - BY THE PLAT AN EASEMENT AS GRANTED TO THE RESIDENTS OF MONTANA CREEK WEST ON ALL COMMON OPEN AREAS WITHIN THIS SUBDIVISION FOR THE PURPOSE OF ACCESS FOR RECREATIONAL USES AND TO ALLOW FOR THE DEVELOPMENT OF HIKING/WALKING TRAILS AND WETLANDS ENHANCEMENT POTENTIAL.
 - NO ADDITIONAL DWELLING UNITS ARE ALLOWED ON LOTS 5A, 5B, 11A AND 11B.
 - WITH THE EXCEPTION OF PARKS AND TRAILS ALL DEVELOPMENT WITHIN THIS PHASE MUST BE SETBACK FROM THE EXTERIOR BOUNDARY A MINIMUM OF 25 FEET.
 - BUILDING SETBACKS WITHIN THIS SUBDIVISION SHALL BE:
 - MINIMUM FRONT YARD SETBACK = 20'
 - MINIMUM REAR YARD SETBACK = 15'
 - MINIMUM SIDE YARD SETBACK = 5'
 - MINIMUM STREET SIDE YARD SETBACK = 13'

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: 03/05/19
ROSCOE C. BICKNELL IV
AUTHORIZED REPRESENTATIVE

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA) ss.
THIS IS TO CERTIFY THAT ON THE 03 DAY OF MARCH, 2019, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR STATE OF ALASKA
MY COMMISSION EXPIRES

COMMUNITY DEVELOPMENT DEPARTMENT
PLAT APPROVAL

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.

JILL MACLEAN,
DIRECTOR, CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:
MUNICIPAL CLERK, CITY AND BOROUGH OF JUNEAU

BASIS OF BEARING

N90°00'00"E
2643.16'

N90°00'00"W
938.91'

S89°59'02"E
459.87'

S89°59'02"E
100.00'

S89°56'11"W
232.89'

LOT 11A
3,559 SQ. FT.
0.08 AC.
N89°56'11"E
102.91'

LOT 11B
4,747 SQ. FT.
0.11 AC.
N89°56'11"E
94.78'

LOT 5A
4,364 SQ. FT.
0.10 AC.
N89°56'11"E
80.73'

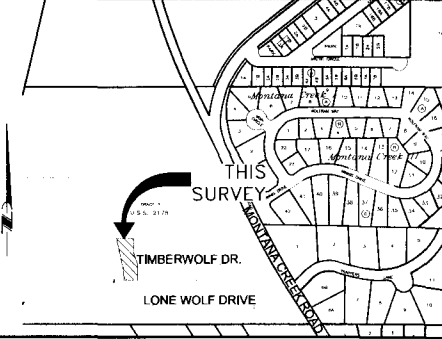
LOT 5B
2,855 SQ. FT.
0.07 AC.
N89°56'11"E
78.26'

GLACIER BEAR DRIVE

TIMBERWOLF LANE

MONTANA CREEK WEST, PHASE 2B

17A MONTANA CREEK WEST, PHASE 1



VICINITY MAP

SOURCE: CBJ PROPERTY ATLAS
SCALE: 1"=500 ±

LEGEND

- PRIMARY MONUMENT (RECOVERED WITH PLAT NO. 2016-3, J.R.D.)
- SECONDARY MONUMENT (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT (ESTABLISHED)
- SURVEYED LINE
- LOT LINE
- ROAD CENTERLINE
- EASEMENT LINE
- PLAT NO. 2016-3, J.R.D.

SURVEYOR'S CERTIFICATE

I, JASON S. LANGEN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



DATE: 03/05/19



PDC ENGINEERS
6205 Glacier Highway,
Juneau, Alaska 99801
907.780.6060

A PLAT OF
LOTS 5A, 5B, 11A, & 11B
MONTANA CREEK WEST, PHASE 2B
A MAJOR AMENDMENT OF
LOTS 5 & 11
MONTANA CREEK WEST, PHASE 2B
WITHIN
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

CLIENT:
BICKNELL, INC.
P.O. BOX 33517
JUNEAU, AK 99803

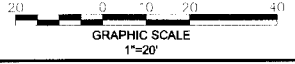
SURVEYOR:
PDC ENGINEERS
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
(907) 780-6060

DATE: March 05, 2019

SCALE: 1"=20'

SHEET 1 OF 1

PDC PROJ. No. 18338JN



Attachment A - Application



GRAPHIC SCALE



A horizontal scale bar with alternating black and white segments. It is marked with '0'', '10'', '20'', '30'', and '40''.



PDC
ENGINEERS

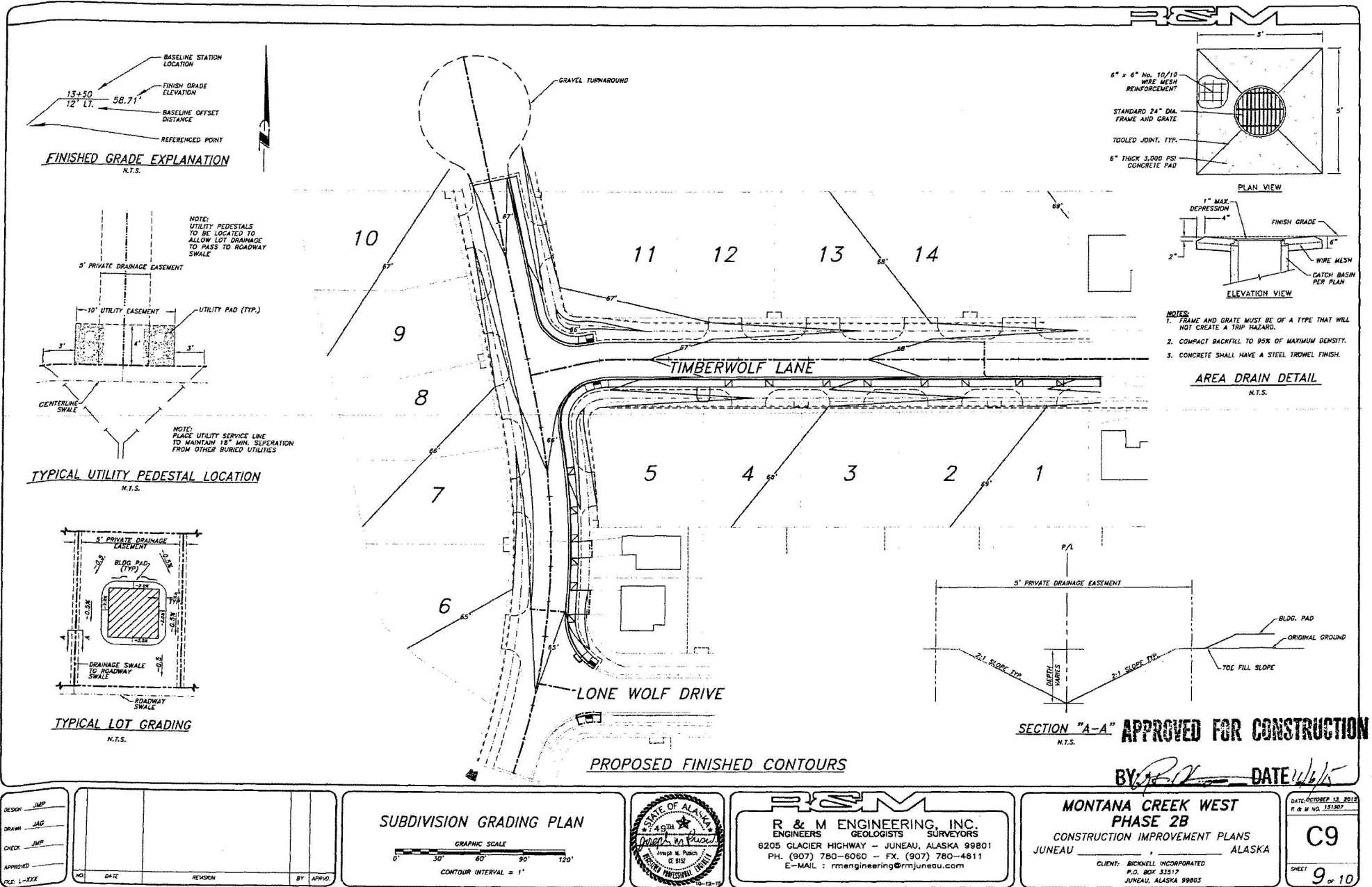
PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

DATE: FEB 25, 2019
PDC NO. 18338JN

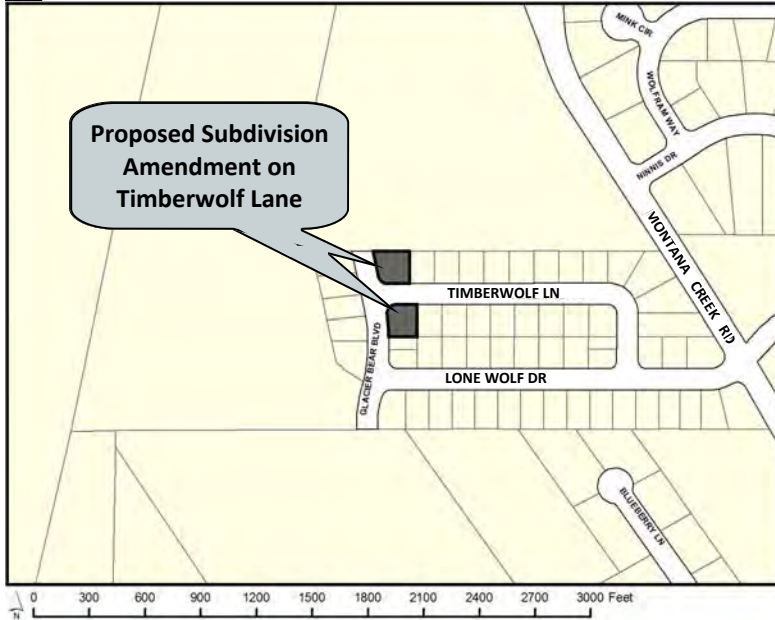
C1

SHEET 1



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **major amendment to Montana Creek West Phase 2B to allow subdivision of two (2) lots into four (4) lots** located on Timberwolf Lane in a **D3 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, May 20, 2019** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

Comments received during this period will be sent to the Planner, **Tim Felstead**, to be included in the staff report.

May 7 through 12 noon, May 24

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 28, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed April 30, 2019

Case No.: PDF2019 0001; SMP2019 0002;
SMF2019 0001
Parcel No.: 4B2901160411; 4B2901160405
CBJ Parcel Viewer: <http://epv.juneau.org>

File No.: SUB2005-00048

Attachment C - PUD Approval

Roscoe Bicknell
 File No.: SUB2005-00048
 February 16, 2006
 Page 2 of 5

6. An easement in favor of the residents of Montana Creek West PUD shall be dedicated on all common open spaces, and the purpose of such easement shall be to provide access for recreational uses, and allow for the development of hiking/walking trails.
7. Final plat shall contain a note stipulating the requirements of Condition #6
8. Final Plat shall show the floodplain boundary.
9. A 10-foot maintenance easement shall be dedicated on the lot adjacent to the lot whereon structures are situated on the common lot line; such easement shall extend the length of the lot.
10. Final plat shall show and describe maintenance easement required by Condition #9.
11. Final Plat shall not be approved until temporary cul-de-sacs are provided, where necessary (as determined by CBJ Community Development) for each phase of the development.
12. Final Plat shall not be approved until a ROW is dedicated to the adjacent Barrett parcel to the south as shown in Submittal dated January 11, 2006, or until an easement over parcel "A" in favor of CBJ for the construction of Rights of Way is recorded.
13. Prior to issuance of a grading permit or PFT, the developer must submit a drainage plan and construction drawings illustrating all public improvements. Such plans must include provisions for addressing stormwater runoff during construction, and be approved by the CBJ Engineering Department.
14. Proposed building envelope shall be shown on the final plat for each lot within the PUD.
15. Final plat shall contain a note indicating, "No additional dwelling units are allowed on lots beyond what is indicated."
16. With the exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25-feet.
17. Building setbacks for proposed development shall be those recommended by staff in this report.
18. Required building setbacks shall be noted on the final plat.
19. Prior to Final Plat approval the developer must:
 - a. Verify the existing contents and depths of the pond to the satisfaction of the CBJ Engineering Department - prior to any more filling.
 - b. All existing organics must be removed from the ponds prior to the commencement of any filling.

Roscoe Bicknell
 File No.: SUB2005-00048
 February 16, 2006
 Page 3 of 5

- c. The developer must submit engineered plans for filling the dredge ponds; such plans must be approved by the Engineering Department and include calculations that address liquefaction in a seismic event, as well as static loading. Recommended methods for achieving consolidation may include surcharging, vibroflotation, and or other methods proposed by the developers Engineer and approved by the CBJ Engineering Department.
 - d. All fill must be placed in accordance with such engineered plan.
 - e. The developers Engineer must verify consolidation at all depths after filling efforts are complete, and identify methods for such.
 - f. An appropriate bond and inspection fee will be required to guarantee for the satisfactory completion of such fill.
20. The restoration plan submitted with USE1999-00016 shall remain a permit requirement until such time that the applicant provides the necessary engineered drawings for the filling of the dredge ponds, and provides the necessary bonding to guarantee for such.
21. Advisory: the applicant is required to submit a stormwater and pollution prevention plan with the Alaska Department of Environmental Conservation.
22. Prior to final plat approval for Phase 3, Parcel "A" (no development zone), shall have a conservation easement placed on it and such parcel shall be deeded to a non-profit organization of the developers choice, as approved by the director of CDD.
23. CBJ Parks and Recreation department must approve park design that will be built by developer and dedicated to CBJ.

JCMP Recommended Conditions

- 1. The applicant shall utilize Best Management Practices listed below for installation of required subdivision improvements:
 - A. Diverted or construction-related water shall not be directed into receiving waters unless sediment retention structures and water quality control devices are used prior to discharge.
 - B. The duration and area of exposed soil shall be minimized to reduce erosion potential. Re-vegetation shall be completed within one growing season.
 - C. Soils or fill shall not be placed near stream banks where it may be transported into the watercourse.

Roscoe Bicknell
File No.: SUB2005-00048
February 16, 2006
Page 4 of 5

- D. Runoff from the site after project completion shall not contribute to the impairment of water quality.
- E. Erosion and sedimentation control devices shall be installed between construction areas and streams prior to grading and maintained throughout the construction period.
- F. Equipment shall not be serviced or washed within 100 feet from streams.
- G. Spill containment and cleanup supplies shall be stored within a 15-minute transport time to construction sites.
- H. Storage of excavated or fill materials must be placed at least 25 feet from streams.
- I. Sediment traps or stilling basins shall be installed to prevent untreated sediment and runoff from entering streams.
- J. Construction runoff will be filtered through silt fences before reentering streams.

Attachment: February 9th & 14th, 2006 memorandums from Nathan Bishop Community Development to the CBJ Planning Commission regarding SUB2005-00048.

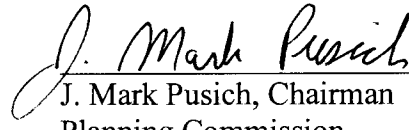
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission
February 14, 2006.

Expiration Date: The permit will expire 18 months after the effective date, or August 14, 2007, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized; or if no plat has been issued in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

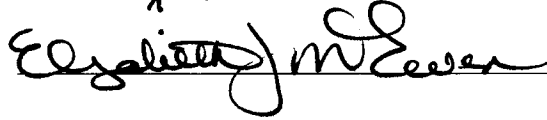
Project Planner: 
Nathan Bishop, Planner

Roscoe Bicknell
File No.: SUB2005-00048
February 16, 2006
Page 5 of 5



J. Mark Pusich, Chairman
Planning Commission

Filed With ^{deputy} City Clerk



Feb. 16, 2006

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: February 9, 2006

TO: Planning Commission

FROM: Nathan Bishop, Planner 
Community Development Department

FILE NO.: SUB2005-00048

PROPOSAL: Application for Preliminary Approval of a Planned Unit Development creating 114-dwelling units upon 86 lots.

GENERAL INFORMATION

Applicant: Bicknell, Inc.

Property Owners: Roscoe III Bicknell. & Roscoe IV Bicknell

Legal Description: USS 2178 TR 1A

Parcel Code No.: 4-B29-0-115-001-3

Site Size: 38.14-Acres

Zoning: D-3 Residential

Utilities: City Water and Sewer are available at the property line

Access: Montana Creek Road

Existing Land Use: Sand & Gravel extraction

Surrounding Land Use: North - D-3 residential (Vacant)
South - D-3 residential (underdeveloped)
East - D-5 & D-3 residential (fully developed)
West - RR (natural open space)



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission
 File No.: SUB2005-00048
 February 9, 2006
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THE PLANNED UNIT DEVELOPMENT PROCESS

A planned unit development is reviewed according to a two-step process: preliminary plan approval and final plan approval. At this stage, the Planning Commission (PC) is being asked to approve the preliminary plan for the development. The commission shall approve a planned unit development preliminary plan if it meets the requirements of section 49.15.330 (Conditional Use criteria) and:

- (1) The design effectively provides for clustered buildings, mixed uses, or mixed housing types;
- (2) The development protects natural features and avoids natural hazards by reserving them as undisturbed open space;
- (3) The development is consistent with the land use code;
- (4) The development incorporates boundary buffers sufficient to separate adjacent property from dissimilar uses;
- (5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough engineering department;
- (6) The configuration of the development provides for economy and efficiency in utilities, housing construction, streets, parking and circulation;
- (7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire planned unit development; and
- (8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and final plan for PC approval. The PC shall approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article (design standards, phased development, etc). The final plat would be recorded following the completion of all required improvements or bonding for such.

PROJECT DESCRIPTION

A planned unit development (PUD) -- *Montana Creek West* -- is proposed for a 38.14-Acre parcel on the Western side of Montana Creek Road (see Vicinity Map). The Development would consist of 80-single family residential lots (up to ten of which may be constructed with duplexes), and up to twenty four multifamily units, constructed on six lots. The properties will be fee simple lots, and all of the improvements will be built to CBJ Standards and dedicated as public improvements. Initially, two streets would be constructed opposite the existing Trappers Lane and Ninnis Drive; they would access the development off of Montana Creek Road. In addition the development would include the dedication of a right-of-way to the adjacent property to the South for future use after the adjacent land is developed (See Attached Proposed Subdivision Layout).

BACKGROUND

In October of 1994 Bicknell Inc. was granted a Conditional Use permit for the operation of a sand and gravel extraction operation on the subject lot (CU-55-94). This permit was for a five-year term; however, it

Planning Commission
 File No.: SUB2005-00048
 February 9, 2006
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was extended for an additional ten years in September of 1999. Material from this site was used in the course of constructing the subdivision on the opposite side of Montana Creek road, Montana Creek Subdivision phases I, II, III, and IV. Upon completion of Montana Creek Subdivision, or after the permit expires, the extraction site was to be restored, as natural ponds, with emergent vegetation planted at the pond edges and shorelines. All other disturbed areas were to be seeded with a mixed grass seed, and clumps of spruce/hemlock were to be planted at 100-foot intervals (See Attached restoration plan).

As these ponds were required for mitigating wetland losses there was a condition on the wetland permit (WP-03-94) requiring the applicant to execute a deed restriction for the property that specifies that the restored ponds and a 25-foot greenbelt area around each pond will be maintained in this restored condition in perpetuity, and shall not be subject to future development. In the recent zone change for this property (MAP2004-00006), the Assembly adopted a condition finding that development of the land beyond the areas where wetlands and floodplains coexist, shall be allowed, and deemed consistent with the enforceable policies of the Juneau Coastal Management Program as adopted in CBJ 49.70.100, if such development is otherwise consistent with the CBJ Land Use Code. This decision recognized that the preservation of the wetlands within the Montana Creek floodplain would adequately mitigate for any development within the already degraded wetlands impacted by the sand and gravel extraction.

In addition to the gravel extraction, this site is also permitted to be used as a temporary contractors storage yard (USE1999-00039). This use will expire upon completion of Montana Creek Subdivision phase IV.

ANALYSIS

Staff's analysis highlights the requirements for a Planned Unit Development (CBJ §49.15.600) and also addresses routine requirements called for in any major subdivision, unless superseded by the PUD code.

Project Site - The proposed project would be located on a 38.14-acre site, which exceeds the 3.0-acre minimum for a PUD in a D-3 Residential zoning district¹. The project site is within the UM1 wetland unit as delineated in the Juneau wetlands atlas, it includes forested wetlands along Montana Creek Road, and extends south and west through a scrub/shrub wetland to Montana Creek. Approximately 17-acres of the proposed development are within 500-feet of Montana Creek Road, and are designated as "Category "C" (a lower value wetland) in the JWMP. The remaining 21 acres is Category "A" wetlands (high value). The existing gravel extraction operation is situated within the Category "C" wetlands.

The boundary line between the Category A/C portions of the wetland unit is a "land management line" that does not correspond to an abrupt change in wetland type or environmental value. In fact, the UM1 wetland unit gradually changes in value as it makes the transition from the forested area along the Montana Creek Road, toward a scrub-shrub wetland, and on to Montana Creek itself.

¹ 49.15.670 Planned unit development design standards.

(b) *Minimum site.* The minimum site area for a residential planned unit development, or the first phase of a phased development, shall be 2.0 acres in the D-10, D-15, D-18, and LC districts and 3.0 acres in the RR, D-1, D-3, and D-5 districts.

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The forested Category "C" wetland was/is characterized by a "ridge/swale microtopography" caused by the moraines in the area. This resulted in wetland and non-wetland patches intertwining in the area. The area is a Sitka spruce/Western hemlock forest, with an understory dominated by blueberry, alder, dogwood, ferns and devils's club. Isolated kettle ponds have growth of horsetail, buck bean, and Alaska cotton grass. At the South end of the proposed development, a sedge meadow extends toward Blueberry Lane. There are no apparent surface water drainages. Soil is gravelly sandy loam with little overburden. The water table is naturally about five feet below the ground surface.

The Category "A" wetland area is primarily a wetland fen, characterized by scrub-shrub vegetation. Tributaries of Montana Creek that receive water from and flow through this wetland support anadromous fish. Much of this Category "A" wetland is within the floodplain of Montana Creek; the proposed PUD minimizes on-site disturbance to this wetland by clustering the development on those areas outside of the flood plain.

The most notable natural feature of this landscape is what appears to be a terminal moraine running NNE through the center of the parcel (See Attached Topographic Survey). On the western side of this ridge, the land slopes gently to the SSW, while on the Eastern side it slopes gently to the SSE. This moraine acts as the boundary for the Montana Creek floodplain. The drainage plan of the proposed development closely emulates this drainage pattern (See Attached Drainage Plan).

As noted previously, a portion of this site was used for sand and gravel extraction. With this subdivision, the applicant proposes to fill this area in and develop six residential lots and a public park. Roger Healy, CBJ Engineering Director, has reviewed this proposal and found that it is feasible, but has substantive costs attached to its proper construction. Further, he indicated that until the necessary engineering is submitted illustrating how this fill will be accomplished, the CBJ Engineering Department cannot decide on the feasibility. Mr. Healy has sited three major concerns regarding this fill proposal:

- Uniformity of fill material;
- Quality of fill material
- Consolidation of the material at all depths.

This issue has been discussed with the applicant, and they realize the necessary engineering for this fill will have to be provided with the construction drawings for this project. With this understanding, staff has included Mr. Healy's requirements for site development as recommended conditions for approval.

Project Design - The proposed project consists of 114 units on 80 lots for single-family dwellings and duplexes and 6 lots for multi-family dwellings. The overall density is 3.0 dwelling units per acre.

Montana Creek West would be built in four phases; Phase 1 with 6.27 acres would have 28 single-family lots each containing one dwelling unit. The median lot size in this phase would be approximately 7,171-square feet.

Phase 2 with 6.0-acres would be a continuation of the Phase 1 design, with smaller more affordable homes. It would consist of 27 lots, three of which could be developed with duplexes (lots 13, 22 and 23), for a total of 30-dwelling units in this phase. The combined density of phase 1 & 2 would be approximately 4.5-dwelling units per an acre. The median lot size in this phase would be approximately 6,300-square feet.

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Phase 3 would contain 8.89-acres; these lots would be similar to Montana Creek Subdivision Phases 1-4 in size and density. It would contain 25-lots, seven of which could be developed with duplexes (lots 8, 15, 18, 19, 22, 24 and 25) for a total of 32-dwelling units in this phase. The density of this phase would be approximately 3.5-dwelling units per an acre. The median lot size in this phase would be approximately 11,100-square feet.

Phase 4 would contain 5.44-acres, and would consist of six lots, with each one having a four-unit multi family structure on it. With a total of 24-dwelling units in this phase the density will be approximately 4.4-dwelling units per an acre. Multi-family lot sizes range between 14,318-square feet and 24,943-square feet.

While the D-3 zoning district stipulates a minimum lot size of 12,000-square feet, the PUD ordinance has a provision that waives the minimum lot size, allowing for it to be established during preliminary platting².

Similarly, the PUD ordinance allows flexibility in determining the appropriate setbacks for a particular development.³ For phase 1 The applicant has requested *"zero side yard setbacks on one side of each lot...(to) ensure that each homeowner will have access to their back yards on at least one side of their home. No home shall be within 10' of another."* They further request that the remaining setbacks in phases 1-3 be *"15' in front, 5' on the side and 15' in back except where a lot has a 25' buffer in the back. In these cases a 25' do not disturb and a 35' do not build would exist."*

The idea of 0'-setbacks was discussed on January 27, 2006 at a meeting of the Subdivision Review Committee (SRC); the Committee supported the idea but recognized the need to have them delineated on the plat. What was not discussed at that time, was the need for an easement on the adjacent lot, for maintenance purposes. Staff supports the concept of 0'-setbacks and has recommended a condition requiring that maintenance easements be shown on the final plat. However, staff is concerned that the applicant's request for a 15-foot front yard setback does not provide adequate area for parking, and could result in conflicts. Therefore, staff recommends the following standards be adopted for Montana Creek West PUD:

Recommended building setbacks within Montana Creek West PUD

Minimum front yard setback-----20-feet
 Minimum rear yard setback-----15-feet
 Minimum side yard setback----- 5-feet*

* 0' setbacks shall be allowed on one side of lots in phases 1&2 as denoted on plat showing structures.

Common Open Space and Facilities - There will be three open spaces protected and/or dedicated to the public as part of this project. The first area, on the Western edge of the development, is a 11.96-Acre high value wetland, within the floodplain of Montana Creek. In a recent zone change of the subject property, this area was designated as a "No Development Zone." This action guaranteed that this common area will be protected for habitat, and flood conveyance; a plat note referencing the requirements of this zone change

2 49.15.670 Planned unit development design standards.

(c) *Lot size.* There is no required minimum lot size within a planned unit development. Lot sizes will be established as part of the preliminary plan approval.

3 (d) *Building height and spacing.* No structure shall exceed 35 feet in height as calculated in section 49.25.420, height of building. Each dwelling structure must be located at least ten feet from any other dwelling unless structurally attached thereto.

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(Ordinance2005-31) will be denoted on the plat creating this development. To further the goals of this development, an easement will be placed over this area for the residents of Montana Creek West, allowing them access for recreational purposes into the wetland sanctuary.

The second common area is a 25-foot wide buffer around the exterior perimeter of the subdivision. This strip of land will provide an alternative trail access into the Montana Creek West wetland sanctuary benefiting all of the residents of the development, and providing a visual screen for those properties adjacent to the proposed development. In addition, this area will also promote the conservation and appreciation of the wetland areas within this buffer. The total common space in this buffer is 1.96 acres.

While the previous two common areas served to preserve and protect natural features, streams, lakes, wetlands, natural drainage channels, vegetation, and vistas, the third area provides for the urban needs of the neighborhood. Cradled between the proposed multifamily lots on the Northern perimeter of the development and the single-family residential lots to the south is a proposed 1.64 acre Public Park/Playground. This area will not only serve the immediate development, but as it will be a public facility, it will also be an asset to the children in the adjacent subdivisions. In addition to providing a needed amenity, this park will also provide an area of transition, between the multifamily development and the single-family development

The common open space within this PUD, following the code definition, includes:

- **Improved** open space: 1.64-acre Public Park/Playground
- **Unimproved** open spaces include: wetland area within Parcel "A" and the forested buffer around the perimeter of the development

The project meets the common open space requirements in the PUD code, as follows:

Common Open Space Requirement	Proposed Project
40 % of project site in a D-3 district	Approx. 40% of the site
Conveniently located throughout PUD and reasonably accessible to all residents	The proposed park provides excellent access to PUD residents as well as the whole neighborhood.
70 % of open space is a single, contiguous unit	Approx.78% of the required open space is contiguous
Held in common ownership by PUD	Parcel "A" is protected from development by ordinance 2005-31 and access to PUD residents is guaranteed by easement.

Landscaping and Vegetative Cover - The preliminary plan identifies approximately 71,435-square feet of landscape area; this combination of landscaping and natural vegetation exceeds the 20 percent vegetative coverage required in the D-3 zoning district. However, this does not account for the additional landscaping on the individual lots, suffice it to say, the vegetative cover requirement will be adequately met.

Perimeter Buffer - The applicant proposes to fully meet the PUD requirement for a 25-foot perimeter buffer with the dedication of parcel "A" and with a plat note and easement requiring all development within this subdivision be setback from the exterior boundary of this development at least 35-feet. The PUD code requires that no building structures or parking areas be located in the perimeter buffer. In keeping with CBJ actions regarding private yards in "no build" buffers in other residential subdivisions, structures such as storage sheds, patios, decks, and large play systems would not be allowed within the buffer. Elsewhere, CBJ has allowed homeowners to build fences within a no-build buffer provided they are constructed without

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heavy equipment. However, in this situation the buffer is also serving as a common area that residents of the development may use for access to the wetland refuge. Therefore staff has recommended a condition prohibiting fences in the perimeter buffer.

Pedestrian Circulation. The Montana Creek West PUD provides for pedestrian movement, as required in the PUD Code, by providing sidewalks along all of the streets in the development. While the final construction drawings for these improvements are not yet completed Roger Healy, CBJ City Engineer, has reviewed the initial proposal (See Attached Plan Illustrating Pedestrian Routes) and concurs that this alternative configuration will provide an adequate access, and recommends that the Planning Commission waive the requirement for two parallel sidewalks and adopt this pathway as the preferred alternate.

Vehicular Circulation and Traffic. Each lot would be accessed via a public street built to current city standards. CBJ Streets Superintendent, Mike Scott; and CBJ Fire Marshal, Rich Etheridge; have both reviewed the proposed configuration and have found no problems with the street layout. The two access points provide an alternative route into the subdivision in the event that access is blocked at either one. While not shown on the current proposal it is the intent of the developer to dedicate a ROW on the Southwest corner of the development, to the adjacent Barrett parcel. As there is no development on this parcel at this time, staff recommends that the street not be built until the adjacent subdivision is constructed. Delaying the construction of the street will provide for greater flexibility in locating the ROW if it needs to be moved.

Parking. The Land Use Code requires two parking spaces per a dwelling unit, as each unit is likely to have a double garage this requirement will be met within the structures on each individual lot. In addition, the proposed front yard setback and the associated driveway would meet the parking requirement if no garages were constructed.

Utilities and Stormwater Management - The project water and sewer utilities will be built to CBJ standards and connected to the public systems. Prior to final platting or issuance of a grading permit, the applicant must submit utility construction drawings for approval by the Engineering Department.

Drainage - The applicant proposes that the site drainage will be captured and routed to the wetlands on the western boundary of the development and to the ditch adjacent to Montana Creek road, via a subsurface drainage system (See Attached Drainage Plan). Prior to final platting the applicant will be required to submit engineered plans for such system.

Juneau Coastal Management Program - The proposed development was reviewed for compliance with CBJ 49.70.900, the Juneau Coastal Management Program. In our review, we have determined the developer has minimized potential impacts to the maximum extent possible. In addition, the "No Development Zone" required by ordinance 2005-31 adequately mitigates for the impacts of the development of those wetlands in the subject lot by providing a suitable wetland buffer to maintain those wetland functions impacted by the proposed development, . By adopting staffs recommended conditions for Best Management Practices, staff believes the proposal will meet all the enforceable policies of the JCMP.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

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1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.300 (e)(1)(A through C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The proposed subdivision is appropriate according to the Table of Permissible Uses. The Conditional Use permit is listed at CBJ §49.25.300, Section 25.1 for the D-3 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. Based on the above analysis, we find that the proposed development will comply with other requirements of Chapter 49.15, which generally describes development permits See finding #8 below which addresses CBJ 49.15.630, Preliminary Planned Unit Development Plan Approval.

4. Will the proposed development materially endanger the public health or safety?

No. Provided the recommended conditions are met, the proposed development will not materially endanger public health or safety. The development would be served by public water and sewer systems. The PUD would have adequate on-site facilities for stormwater control and disposal. The proposed street dedication would meet CBJ standards for emergency and fire access.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Provided the recommended conditions are met, we believe that the proposed development will be compatible with other development in the area and have no negative effect on property values. The perimeter buffer at the boundary would ameliorate noise concerns.

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6. Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

No. The proposed development conforms to the 1995 *Comprehensive Plan*. Applicable policies are:

- Policy 2.3 which promotes compact urban development within existing urban areas for efficient use of land and economic facilities and services.
- Policy 2.8 which encourages the provision of a variety of housing opportunities in sufficient quantities and at affordable prices.
- POLICY 3.12. It is the policy of the CBJ to prohibit residential, commercial, and industrial development in floodways, to regulate development in floodplains, and maintain a program of education, assistance, and information in order to maintain eligibility for the national flood insurance program for the benefit of local homeowners and the lending industry.

Implementing actions

- 3.6.4. Encourage clustering and other design alternatives which could protect fish and wildlife habitat.

In staffs review of other adopted plans, no policies, actions, or recommendations were found that would be inconsistent with the proposed development.

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. Based on the preceding staff analysis, and based on the conditions within ordinance 2005-31, it is found that the development will comply with the Juneau Coastal Management Program with the adoption of the recommended conditions.

8. Does the proposed development meet the requirements of CBJ 49.15.630(d), as follows:

a) Does the design effectively provide for clustered buildings, mixed uses, or mixed housing?

Yes. Given the compact size of the proposed lots within the subject parcel, the project clusters the development to the greatest extent possible. Furthermore the development proposes a mixture of housing types as both multi-family structures and single family homes will be developed within the project.

b) Are natural features protected and natural hazards avoided by reserving them in undisturbed open space?

Yes. The wetlands within the Western portion of the site are being reserved as undisturbed open space. The project site does not contain any known natural hazards.

c) Is the development consistent with the land use code?

Yes. per the previous analysis the development will comply with the land use code.

d) Does the proposed development incorporate sufficient boundary buffers to separate adjacent property from dissimilar uses?

Yes. Although the residential use proposed in this development, is similiar in nature to the surrounding neighborhood, the lots within this development will be buffered from the adjacent neighborhoods by a 25-foot no-disturb buffer along the perimeter of the development.

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- e) **Do utilities proposed to be connected to CBJ system meet CBJ standards, and has CBJ engineering department determined that private utilities will be consistent with sound engineering practices?**

Yes. The utilities will be constructed to CBJ standards, connected to the CBJ system, and dedicated to CBJ for management. There are no private utilities being constructed as part of this project.

- f) **Does the configuration of the proposed development provide for economy and efficiency in utilities, housing construction, streets, parking, and circulation?**

Yes. The compactness of the site ensures economic and efficient utilities and housing construction.

- g) **If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire planned unit development; and adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.**

Yes. per the previous analysis each phase of the development is individually consistent with the overall development plan and provides for the cumulative impacts of the development on the neighborhood and the natural environment. Maintaining the high value wetlands within the proposed development in their natural state will serve to mitigate environmental impacts from this development, and the dedication of the public park/playground will meet the cumulative needs of this development and those lacking such improvements in the adjoining subdivisions.

9. ***Does the preliminary plan conform to the information and submittal requirements of CBJ 49.15.430(I), Major Subdivisions?***

Yes. The preliminary PUD plan conforms to the information and submittal requirements of CBJ 49.15.430(1)

10. ***Will the internal private street provide adequate access so that certain CBJ requirements can be waived per CBJ 49.15.670(I)(4)?***

Yes. The proposed sidewalk layout will provide adequate pedestrian access that is sufficient for the anticipated level of traffic in the residential development. The proposed layout provides at least one safe route to all points within and around the subdivision.

11. ***Is the change in the restoration plan for the dredge pond appropriate, given the previous requirement that this pond be retained in perpetuity through a deed restriction?***

Yes. When this previous recommendation was made it was not anticipated that 11.96 acres of the most valuable wetlands on this parcel would be set aside as a no-development zone. Rather, there was a presumption, and a stated intent of the developer, that a residential development would be built, on the remaining land following completion of the subdivision on the opposite side of the road. In addition this proposal was brought before the wetland review board during the recent zone change for this parcel. In their deliberations and their motion they were supportive of the concept of a no development zone, and clustering the development outside of the floodplain and off the highest value wetlands. Later communications with the board chair (K Koski) led to the determination that this issue did not need further review by the board. In addition this proposal has been reviewed by the participating agencies of the Alaska Coastal management program and been found consistent with all relevant plans (See Attached Determination).

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RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary Plat permit. The permit would allow for the development of a 86-lot Planned Unit Development containing 114-dwelling units. Staff further recommends that the approval be subject to the following conditions:

1. The total number of dwelling units allowed in the subdivision shall not exceed 114-units, and they shall be distributed as shown on the attached drawing entitled "proposed structure location"
2. Prior to final plat approval the number of dwelling units allowed per a lot must be identified on plat.
3. There shall be no disturbance or development within 25-feet of the exterior boundary of Montana Creek West PUD. Fences, sheds, decks, patios, and all other structures are not be allowed in the perimeter buffer. Disturbance to this buffer is limited to selective trimming of branches, and small bushes.
4. Final plat shall contain a note stipulating the requirements of condition #3
5. Final Plat shall contain a note stipulating the requirements of ordinance of 2005-31
6. An easement in favor of the residents of Montana Creek West PUD shall be dedicated on all common open spaces, and the purpose of such easement shall be to provide access for recreational uses, and allow for the development of hiking/walking trails
7. Final plat shall contain a note stipulating the requirements of condition #6
8. Final Plat shall show the floodplain boundary
9. A 10-foot maintenance easement shall be dedicated on the lot adjacent to the lot whereon structures are situated on the common lot line; such easement shall extend the length of the lot.
10. Final plat shall show and describe maintenance easement required by condition #9
11. Final Plat shall not be approved until temporary cul-de-sacs are provided, where necessary (as determined by CBJ Community Development) for each phase of the development.
12. Final Plat shall not be approved until a ROW is dedicated to the adjacent Barrett parcel to the south as shown in Submittal dated January 11, 2006, or until an easement over parcel "A" in favor of CBJ for the construction of rights of way is recorded.
13. Prior to issuance of a grading permit or PFT, the developer must submit a drainage plan and construction drawings illustrating all public improvements. Such plans must include provisions for addressing stormwater runoff during construction, and be approved by the CBJ Engineering Department.
14. Proposed building envelope shall be shown on the final plat for each lot within the PUD
15. Final plat shall contain a note indicating, "No additional dwelling units are allowed on lots beyond what is indicated."
16. With the exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25-feet.
17. Building setbacks for proposed development shall be those recommended by staff in this report.
18. Required building setbacks shall be noted on the final plat

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19. Prior to Final Plat approval the developer must:
 - a. Verify the existing contents and depths of the pond to the satisfaction of the CBJ Engineering Department - prior to any more filling.
 - b. All existing organics must be removed from the ponds prior to the commencement of any filling.
 - c. The developer must submit engineered plans for filling the dredge ponds; such plans must be approved by the Engineering Department and include calculations that address liquefaction in a seismic event, as well as static loading. Recommended methods for achieving consolidation may include surcharging, vibroflotation, and or other methods proposed by the developers Engineer and approved by the CBJ Engineering Department.
 - d. All fill must be placed in accordance with such engineered plan.
 - e. The developers Engineer must verify consolidation at all depths after filling efforts are complete, and identify methods for such.
 - f. An appropriate bond and inspection fee will be required to guarantee for the satisfactory completion of such fill.
20. With the approval of this preliminary plat all authorizations granted by USE1999-00016, to extract, process and otherwise use, or sell sand and gravel are revoked. The restoration plan submitted with USE1999-00016 shall remain a permit requirement until such time that the applicant provides the necessary engineered drawings for the filling of the dredge ponds, and provides the necessary bonding to guarantee for such.
21. Advisory: the applicant is required to submit a stormwater and pollution prevention plan with the Alaska Department of Environmental Conservation.

JCMP Recommended Conditions

1. The applicant shall utilize Best Management Practices listed below for installation of required subdivision improvements:
 - A. Diverted or construction-related water shall not be directed into receiving waters unless sediment retention structures and water quality control devices are used prior to discharge.
 - B. The duration and area of exposed soil shall be minimized to reduce erosion potential. Re-vegetation shall be completed within one growing season.
 - C. Soils or fill shall not be placed near stream banks where it may be transported into the watercourse.
 - D. Runoff from the site after project completion shall not contribute to the impairment of water quality.
 - E. Erosion and sedimentation control devices shall be installed between construction areas and streams prior to grading and maintained throughout the construction period.
 - F. Equipment shall not be serviced or washed within 100 feet from streams.
 - G. Spill containment and cleanup supplies shall be stored within a 15-minute transport time to construction sites.
 - H. Storage of excavated or fill materials must be placed at least 25 feet from streams.
 - I. Sediment traps or stilling basins shall be installed to prevent untreated sediment and runoff from entering streams.
 - J. Construction runoff will be filtered through silt fences before reentering streams.

List of Attachments
SUB2005-00048

Vicinity Map

Subdivision Permit Applications

Montana Creek PUD Narrative

Wetlands Delineation Map

Project Drawing and Site Topography

Restoration Plan

Montana Creek Phases 5 thru 9 Topographic Mapping

Montana Creek West Phases 1, 2, & 3; Subdivision Layout

Montana Creek West Phases 1, 2, & 3; Sidewalk Layout

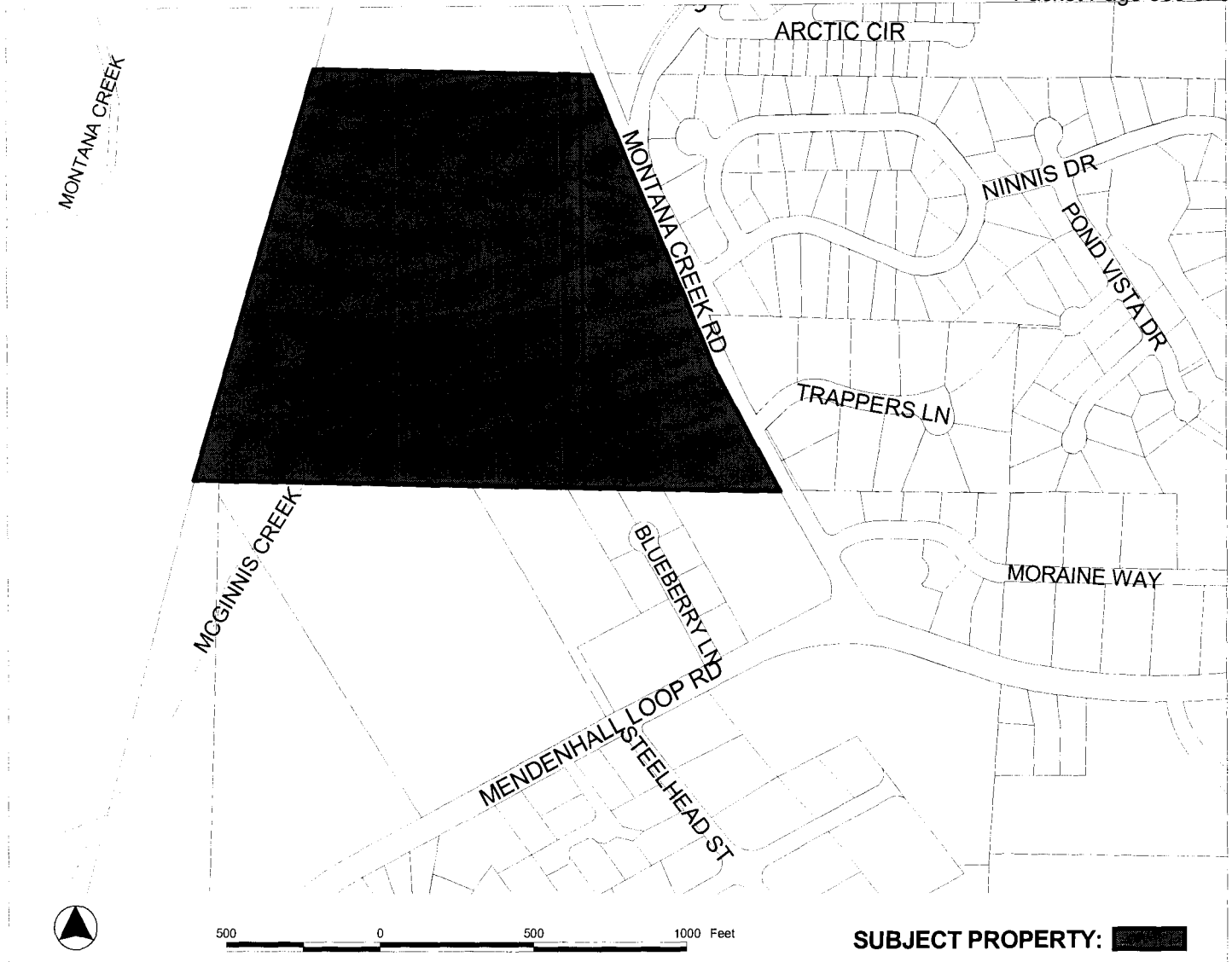
Montana Creek West Phases 1, 2, & 3; Proposed Structure Locations

Montana Creek West Phases 1, 2, & 3; Proposed Roadway &
Stormdrainage Grades

Memorandum from Roger Healy re: Montana Creek Phases V, VI,
& VII

Ordinance 2005-31, Zoning Map Amendment

Letter from Ben White, ACMP Project Specialist re: Montana
Creek Phase 5, with ACMP Proposed Consistency Determination
Concurrence.



SUBJECT PROPERTY: [Shaded Black Area]

PROPOSAL: Preliminary Plat approval for a Planned Unit Development creating 114 dwelling units upon 88 lots.

FILE NO:	SUB2005-00048	APPLICANT:	BICKNELL INC
TO:	Adjacent Property Owners	PROPERTY OWNER:	ROSCOE IV & SARA BICKNELL
HEARING DATE:	February 14, 2006	PROPERTY ADDRESS:	5401 MONTANA CREEK RD
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	4-B29-0-115-001-4
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	44.02 Acres
		ZONING:	D1
		ACCESS:	MONTANA CREEK RD

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Nathan Bishop at 586-0759, or e-mail: Nathan_Bishop@ci.juneau.ak.us

SUBDIVISION OR PLATTING APPLICATION

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(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name (15 characters) <u>Montana Creek W.</u>	Case Number <u>SUB2005-48</u>	Hearing Date	Date Received <u>8/3/05</u>																																															
LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED: <u>USS 2178 TR 1A</u>																																																			
Number of Existing Parcels <u>1</u> Total Land Area <u>38.14 acres</u> Resulting Lots or Parcels <u>88</u>																																																			
TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED (please see submittal requirements on reverse)																																																			
MINOR SUBDIVISION (Changing or creating 4 or fewer lots)		MAJOR SUBDIVISION (Changing or creating greater than 4 lots)																																																	
☐ Zero Lot Line (Common Wall) ☐ "Panhandle" Subdivision ☐ Accretion Survey ☐ Boundary Adjustment ☐ Lot Consolidation ☐ Subdivision resulting in 4 or fewer lots ☐ Other _____		☒ Preliminary Plat ☐ Final Plat ☒ Plat Amendment ☒ Planned Unit Development - Preliminary Plan Approval ☐ Planned Unit Development - Final Plan Approval ☐ Other _____ * Public Notice Sign Required																																																	
Please attach cover letter to fully explain the project if there is not adequate space on this form.																																																			
PREVIOUS USE OF LAND OR BUILDING(S): <u>Sand & Gravel Extraction</u>																																																			
CURRENT BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.																																																			
CURRENT USE OF LAND OR BUILDING(S): <u>Sand & Gravel extraction</u>																																																			
PROPOSED USE OF LAND OR BUILDING(S): <u>Residential Development</u>																																																			
UTILITIES AVAILABLE WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																																			
UNIQUE CHARACTERISTICS OF LAND OR BUILDING: _____																																																			
REVIEW APPROVALS <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Initials</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Buildings</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Engineering</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Planning</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>			Initials	Date	Buildings	_____	_____	Engineering	_____	_____	Planning	_____	_____	SUBDIVISION/PLATTING/PUD FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt No.</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ 6,840.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment Deposit</td> <td>\$ 100.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ 50.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$ 4,770.00</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <u>13800</u> <u>21897</u> <i>see attached to fees already pd.</i>				Fees	Check No.	Receipt No.	Date	Application Fees	\$ 6,840.00				Admin. of Guarantee	\$				Adjustment Deposit	\$ 100.00				Pub. Not. Sign Fee	\$ 50.00				Pub. Not. Sign Deposit	\$				Total Fee	\$ 4,770.00			
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permform.xls 2/23/04

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Page 1 of 2

Attachment C - PUD Approval

SUBDIVISION JR PLATTING APPLICATION

Packet Page 371 of 650

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name (15 characters) <u>Montez Creek V Subd.</u>	Case Number <u>SUBJ005-48</u>	Hearing Date	Date Received <u>8/3/05</u>
----------------	---	----------------------------------	--------------	--------------------------------

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:

USS 2178 TRACT 1

Number of Existing Parcels 1 Total Land Area 44 ACRES Resulting Lots or Parcels 2

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

MINOR SUBDIVISION

(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☐ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION

(Changing or creating greater than 4 lots)

- * ☒ Preliminary Plat
- ☐ Final Plat
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☐ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S):

UNDEVELOPED

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND:

☐ YES ☒ NO

If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S):

UNDEVELOPED - Sand & Gravel Extraction

PROPOSED USE OF LAND OR BUILDING(S):

RESIDENTIAL DEVELOPMENT - SINGLE FAMILY DWELLINGS

UTILITIES AVAILABLE

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

	Initials	Date
Buildings	_____	_____
Engineering	_____	_____
Planning	_____	_____

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 2070.00	12256	20945	8/3/05
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment Deposit	\$ 100.00	_____	_____	_____
Pub. Not. Sign Lease	\$ 50.00	_____	_____	_____
Total Fee	\$ 2220.00	12256	20945	8/3/05

Attachment C - PUD Approval

DEVELOPMENT PERMIT APPLICATION

Page 2 of 2

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number PR-2005-00146		CITY and BOROUGH of JUNEAU		Date Received 7-30-04	
Project Name MONTANA CREEK WEST ZONE CHANGE					
Project Description Zone Change FROM D-1 to D-3					
PROPERTY LOCATION					
Street Address 5401 Montana Creek Rd		City / Zip Juneau 99801			
Subdivision (if known)		Survey (if known) USS 2178		Block / Tract (if known) Lot (if known)	
Assessor's Parcel Number (if known) 4B2901150010					
LANDOWNER/LESSEE					
Property Owner's Name				Contact Person Sandy	
				Work Phone No. 789-5727	
Mailing Address PO Box 33517 Juneau AK 99803				Home Phone No. 703-2905	
				FAX No. 789-2644	
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)					
I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:					
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.					
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for the purpose of this application.					
X [Signature]				Date 7/31/04	
X [Signature]				Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property and may do so during the weekend before the scheduled public hearing date.					
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)					
Applicant's Name Roscoe Bicknell				Contact Person Sandy	
				Work Phone No. 789-5727	
Mailing Address PO Box 33517 Juneau AK 99803				Home Phone No. 703-2905	
				FAX No. 789-2644	
X [Signature]				Date of Application 7/27/04	

(OFFICE USE ONLY BELOW THIS LINE)

C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
	VARIANCE					GRADING PERMIT		
	DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
	SUBDIVISION					RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL					OTHER - (Describe)		
	BUILDING PERMIT					ZONE CHANGE	7-30-04	MAF04-06
Permit Intake Initials [Signature]								
Zone		Total Lot Area		Required Setbacks				
				Front Back Side Other				
COMMENTS:								

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

Montana Creek West Planned Unit Development (PUD) Subdivision Application Materials

Required submissions. The application shall include the following material:

(1) Ownership. The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the planned unit development.

The property is owned equally by Roscoe Bicknell III and Roscoe Bicknell IV.

(2) Preliminary development plan. The application shall include a preliminary development plan, explaining how the proposed planned unit development will achieve the purposes set forth in section 49.15.600. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, common open space, streets, and parking; the number and types of housing units, and proposed density; the natural features to be protected and hazards to be avoided; and the public and private services to be provided.

Montana Creek West Subdivision.

This property received a zone change to D-3 with the passing of CBJ Ordinance 2005-31.

The purpose of the Montana Creek West planned unit development (PUD) Subdivision is to create a subdivision of diverse housing types while protecting high value wetlands on the property per the requirements of CBJ Ordinance 2005-31. The Montana Creek West PUD Subdivision will allow preservation of these wetlands and development of 114 housing units. Phase 1 will consist of 28 smaller, more affordable homes with a higher density. Phase 2 will be similar to Phase 1 with smaller more affordable homes and will consist of 27 lots, 3 of which will be duplex lots (lots 13, 22 and 23) making for a total of 30 units. In Phase 3, 25 lots will be similar to Montana Creek Subdivision Phases 1-4 in size and density, 7 of which will be duplex lots (lots 8, 15, 18, 19, 22, 24 and 25) for a total of 32 units. Phase 4 will be multi family, totaling 24 units predominantly in 4-plexes. The subdivision design and building layout transitions from smaller-lot single family homes in Phase 1 to larger-lot single family homes in Phase 2 and then to multi-family housing in a way that will flow smoothly from each area aesthetically. The development will include the dedication of a 1.64 acre public playground. The playground will be located between phases 3 and 4 and will have homes and multi-family buildings surrounding the park. This should make for a very aesthetically pleasing, safe and secure playground for children and provide a buffer between the multi family and single family residential uses.

Developable Lots.

The Montana Creek West PUD will subdivide an approximate 38.14-acre parcel into 80 lots for single family dwellings and duplexes and 6 lots for multi-family dwellings. The overall density is 3.0 dwelling units per acre.

Open Space, buffers, Parks.

Per the PUD section 49.15.600 40% of the total land area is to be set aside as common space usable

by all residents of the subdivision, which equates to 15.26 acres. We have accomplished this in 3 distinct areas and in three different ways. All of the open space will fall under an easement granting access to the residents of the subdivision.

The first and by far the largest area will be accomplishing a huge conservation of wetlands. This first area is the wetlands protected by CBJ Ordinance 2005-31. This area is 11.96 acres and is defined by the ordinance as areas of Class A wetlands that are in the flood plain. This area, by ordinance, is prohibited from development and will be denoted with a plat note referencing the requirements of ordinance 2005-31. In addition, and as previously discussed, an easement will be placed over this area for the residents of Montana Creek West, allowing them access for recreational purposes into the wetland sanctuary.

The second area is the required buffer surrounding the subdivision that while benefiting all residents by creating an aesthetically pleasing greenbelt and will also allow for future trails for access into the Montana Creek West wetland sanctuary. This 25' buffer will surround all 4 phases of the Montana Creek West Subdivision on the sides that adjoin other roads and properties. This buffer benefits all of the residents and those surrounding the subdivision. The total common space in the 25' buffer is 1.96 acres. By making the 25' buffer a no-disturb area we will be promoting the conservation and appreciation of these areas some of which are classified as wetlands as well as providing a beautiful natural greenbelt around the subdivision.

The third area meets the needs of the neighborhood children by creating a large playground area, 1.64 acres. The playground undoubtedly will be a very popular destination for the kids of this subdivision and will draw the kids from the neighboring subdivisions as well. The location of the park is on the current site of our gravel operation. As the phases of construction are completed the gravel operations will diminish, once all phases are complete the need for the gravel operations will be over and will cease. At this point, the playground area will be graded off and turned over to CBJ for their uses.

(3) Design. The application shall describe the design of the planned unit development, with particular attention to building massing, color, and architectural features; the layout of buildings, parking, and streets; and the circulation of traffic and pedestrians.

The homes in Montana Creek West will be built with the same high quality standards that "Bicknell Homes" are known for. Homebuyers will be able to work with us choosing designs and house styles that will meet their needs and price range. Our intent is to follow the same criteria we have had in developing Montana Creek Phases 1-4, that is, creating an aesthetically pleasing, desirable neighborhood that homeowners believe is a good investment and is a safe and secure environment for their families. Each phase of Montana Creek West has unique challenges and amenities. To meet this criteria will require differing strategies.

Phase 1 and 2. This phase has the smaller, more affordable lots and houses. The placing of the homes to create as much usable yard space between homes will be extremely important. For this reason zero side yard setbacks may be utilized in order to have more flexibility in the placement of the homes. The creation of more usable yard space will not only be welcomed by each homeowner, but will also make for a much more aesthetically pleasing subdivision. Also in this phase we will introduce more "green" building options, these include the use of recycled products, the use of more earth friendly products, the use of products that minimize the use of petroleum and possibly even the use of geothermal heating.

Phase 3. The homes in this Phase will be a continuation of the very nice homes that are currently being built in Montana Creek Subdivision Phase 4. The home buyers are able to work directly with us in customizing their homes but perhaps to more of an extent than the Phase 1 and 2 home buyers will be able to because of house size and budget. As Phase 3 is built, the existing gravel operation will basically start the restoration phase of it's lifespan. As we build through Phase 3, the gravel operation will become smaller and smaller. The restoration plan of the gravel pit basically changes and becomes this subdivision.

Phase 4. Bicknell Inc will build multi-family dwellings in Phase 4 that will be attractive and user friendly, with plenty of parking and storage facilities for our residents. As in Phase 3, the gravel operations will continue, but with a very limited scope. As Phase 3 is completed the gravel operations will cease altogether and our gravel operations permit for this site will no longer be needed. It is at this point that the playground area will be usable.

The layout of lots, streets, sidewalks, greenbelts and park, and related circulation of traffic and pedestrians can be discerned from the preliminary subdivision drawing (Attachment 1). Residents will have two ways to enter and leave the subdivision by vehicle.

We have enlisted the support of a 2nd grade class and a 4th grade class of elementary students to help us in the naming of the roads. We expect the names to be picked by March 1, 2006. We will install a sign commemorating the name choices by Auke Bay Elementary School somewhere in the subdivision.

(4) Common open space, facilities, and general landscaping. The preliminary plat shall show and describe improved and undisturbed common open space.

The Montana Creek West PUD Subdivision will have approximately 15.26 acres of open space, buffers and parks, consisting of a 11.96 acre wetland area on the western portion of the parcel, a 1.96-acre total area of buffers along the southern, eastern, northern perimeter of the subdivision and a 1.64 acre park.

(5) Description of phased development. The preliminary development plan for a phased planned unit development shall include:

(A) A drawing and development schedule for each phase and for the entire planned unit development;

Please see the Montana Creek West Subdivision plat. There will be four phases total for Montana Creek West PUD Subdivision. Bicknell Inc. will put in the underground utilities (sewer, water, electric, phone, cable) the sidewalks and roads for each Phase. Bicknell Inc will build the homes in each Phase as home sales dictate. If market conditions continue as they have we anticipate build out in all 4 phases in 5 to 9 years.

(B) The size and general location of proposed land uses for each phase at a projected level of density;

Phase 1 is 6.27 acres and has 28 single family units for an approximate density of D-4.5.

Phase 2 is 6.0 acres and has 30 single family or duplex units for an approximate density of D-4.5.

Phase 3 is 8.89 acres and has 32 single family or duplex units for an approximate density of

D-3.5

Phase 4 is 5.44 acres and has 24 multi-family units for an approximate density of D-4.4. The total number of units will not exceed 114 which meets the D-3 zoning for the entire parcel. Density bonuses, per PUD guidelines have not been requested at this time.

(C) A description of the streets connecting all the phases and where they will connect at the planned unit development boundaries;

Please see the Montana Creek West Subdivision plat. See answer to (5A) above. There will be approximately 4500 lineal feet of road and 5400 lineal feet of sidewalks within the entire subdivision. They will all be built to CBJ specification and turned over to the CBJ for ownership and maintenance. There are two egress/ingress options for all subdivision residents, with a planned third egress/ingress to the south through an adjacent parcel.

(D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;

The basic plan to minimize construction impacts to each neighborhood is by building from the south to the northern end of the parcel. It is on this northern end that our gravel operation is located. By building in this manner we will minimize the impacts on each neighborhood as it is completed and maximize the safety of our workers and the residents of the neighborhood.

(E) A description of the overall design theme unifying the phases; and

See answers to question (3).

(F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.650(b).

Please see entire submittal package and subdivision plat.

Attachment to Montana Creek West Subdivision Plan

Proposed Setbacks

Phase 1.

To facilitate usage of these smaller lots we propose zero side yard setbacks on one side of each lot. Please see the Montana Creek West Subdivision plat. This will ensure that each homeowner will have access to their back yards on at least one side of their home. No home shall be within 10' of another.

Phases 1, 2, and 3

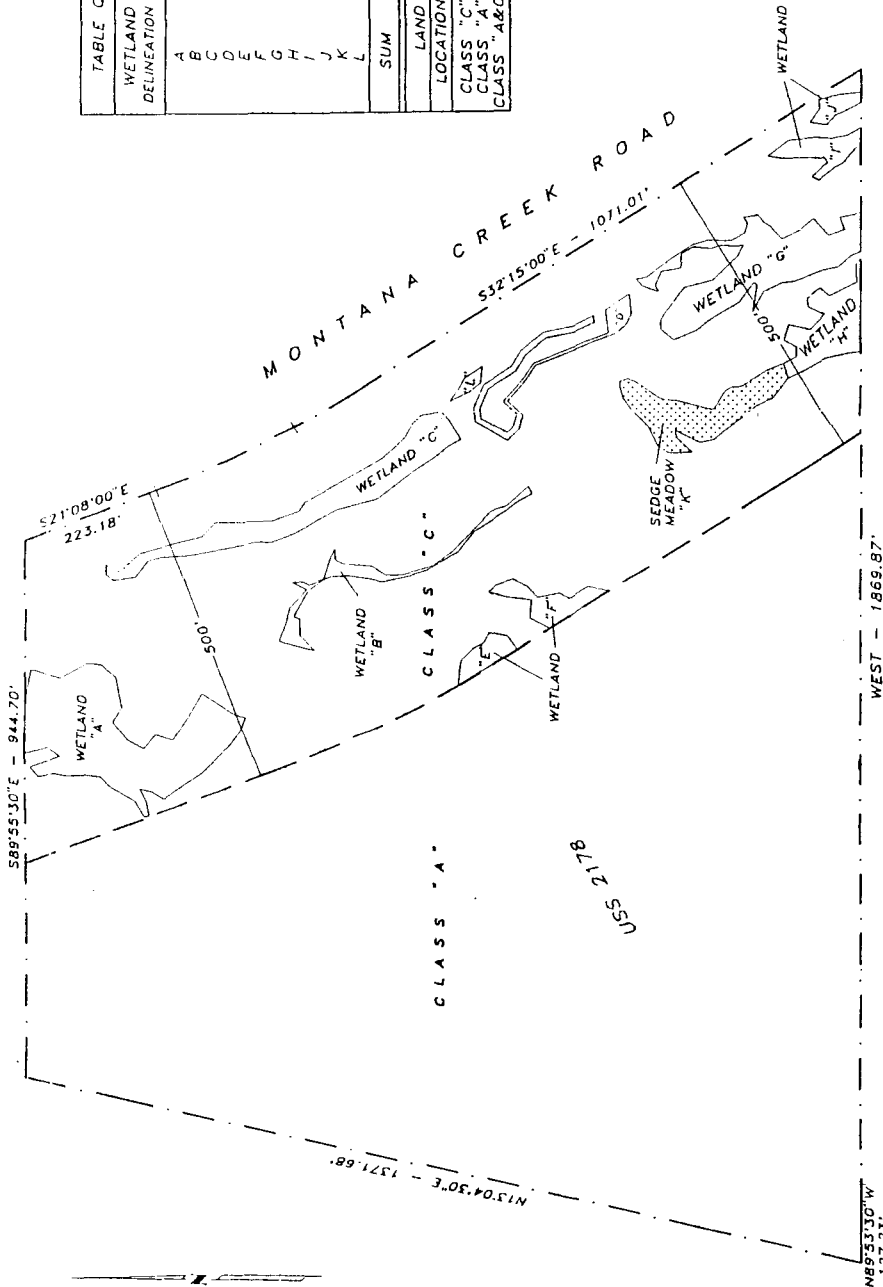
Setbacks are all 15' in front, 5' on the side and 15' in back except where a lot has a 25' buffer in the back. In these cases a 25' do not disturb and a 35' do not build would exist.

001002

R & M ENGINEERING, INC.
BUREAU
JUNEAU, ALASKA

TABLE OF WETLAND AREAS		
WETLAND DELINEATION	AREA	
	ACRES	SQ. FEET
A	1.00	43,711.90
B	0.13	5,568.40
C	0.54	23,727.70
D	0.15	6,559.60
E	0.08	3,587.70
F	0.13	5,589.10
G	0.57	24,947.60
H	0.26	11,191.00
I	0.02	799.10
J	0.02	799.10
K	0.36	15,851.90
L	0.02	859.40
SUM	3.42	148,958.80

LAND AREA CLASSIFIED	
LOCATION	TOTAL PERCENT
CLASS "C"	17.62 AC.
CLASS "A"	25.46 AC.
CLASS "A&C"	43.09 AC.



CLIENT:
BICKNELL INDUSTRIES
P.O. BOX 33517
JUNEAU, ALASKA 99803

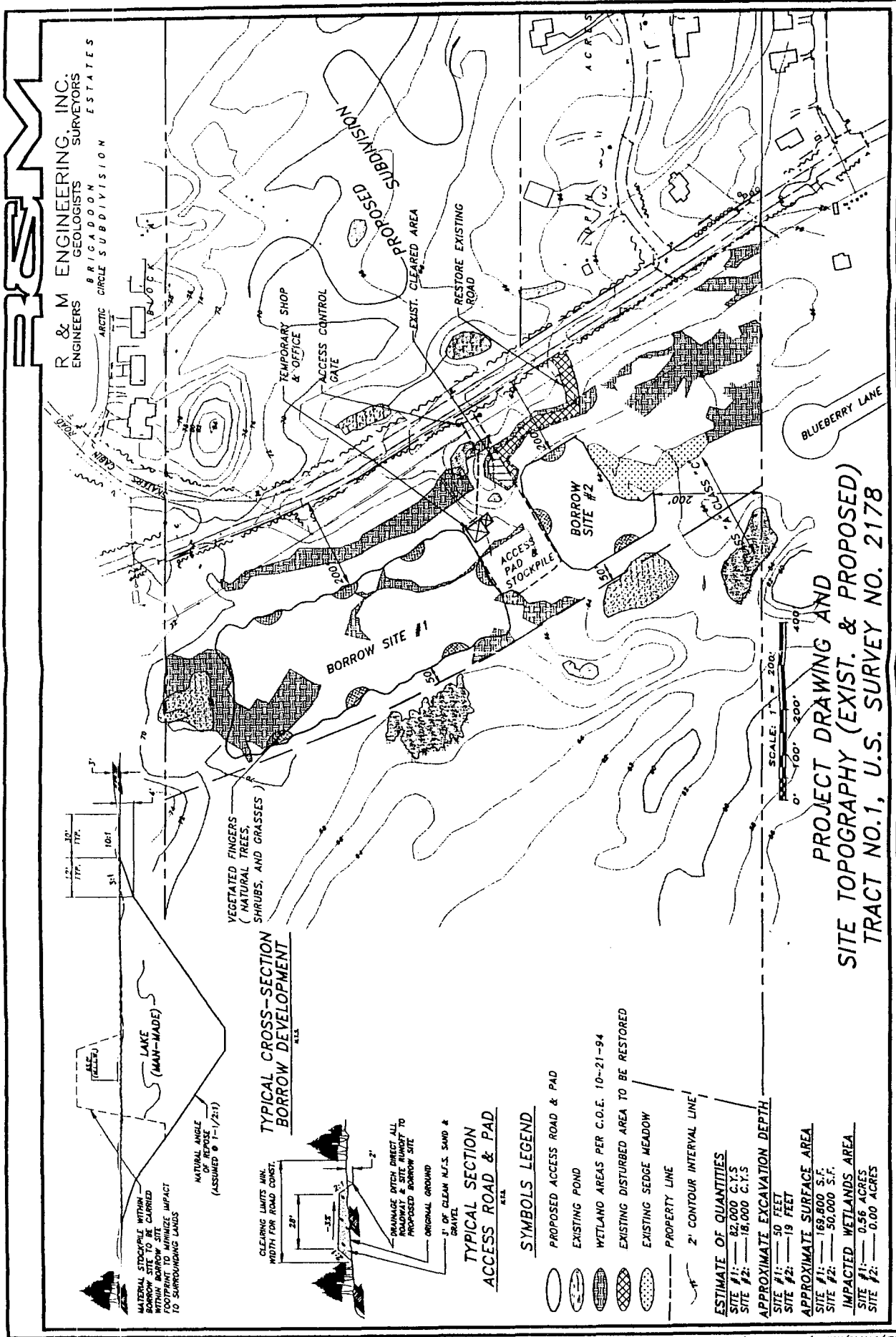
SURVEYOR:
R & M ENGINEERING INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 1 OF 1

OCTOBER 31, 1994 R&M PROJECT NO. 941719

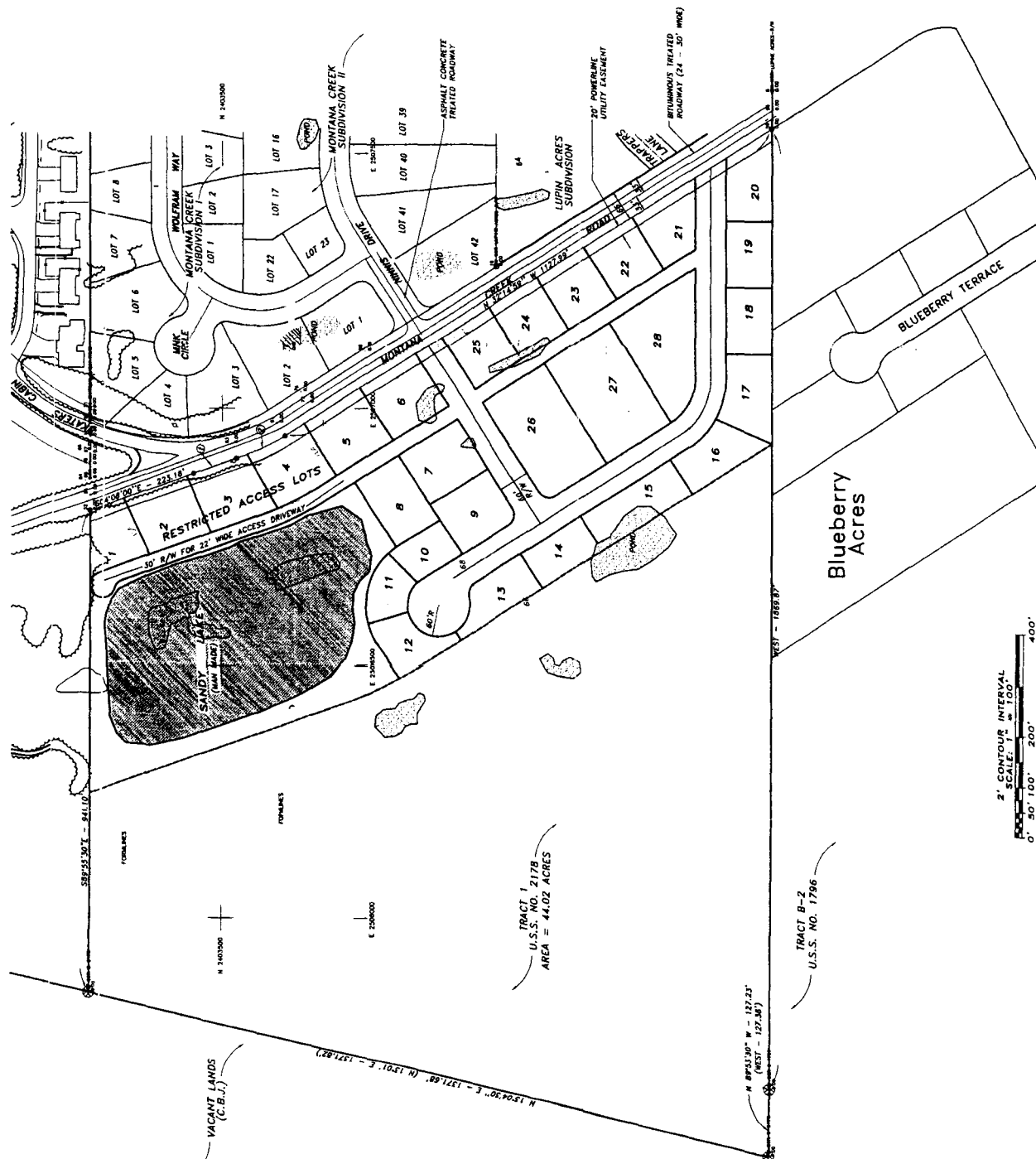
WETLANDS DELINEATION MAP
LOCATED WITHIN CLASS "C" ZONE
TRACT 1, U.S. SURVEY NO. 2178

SCALE: 1" = 200'



REVISED: 10-31-94

PROPOSED SUBDIVISION RECLAMATION STANDARDS	
LAND AREA	17.5 AC
ACCESS ROAD	12.4 AC
ACCESS DRIVEWAYS	28
NUMBER OF LOTS	28
DENSITY	3.0 LOTS/AC
ZONING	D-1



Received
 on
 MAR 17 1994
 City
 Permit Center

RECLAMATION LOT SIZES, 14,000 TO 20,000 S.F.

**RESTORATION PLAN
 MONTANA CREEK LANDS
 RESOURCE AREA**

TRACT 1, U.S. SURVEY NO. 2178
 CITY & BOROUGH OF JUNEAU, ALASKA
 JUNEAU RECORDING DISTRICT
 CLIENT: RESTORATION, INC.
 P.O. BOX 13017
 JUNEAU, ALASKA 99801
 DATE: JUL 1989 SHEET 3 OF 3

SURVEYOR'S CERTIFICATE

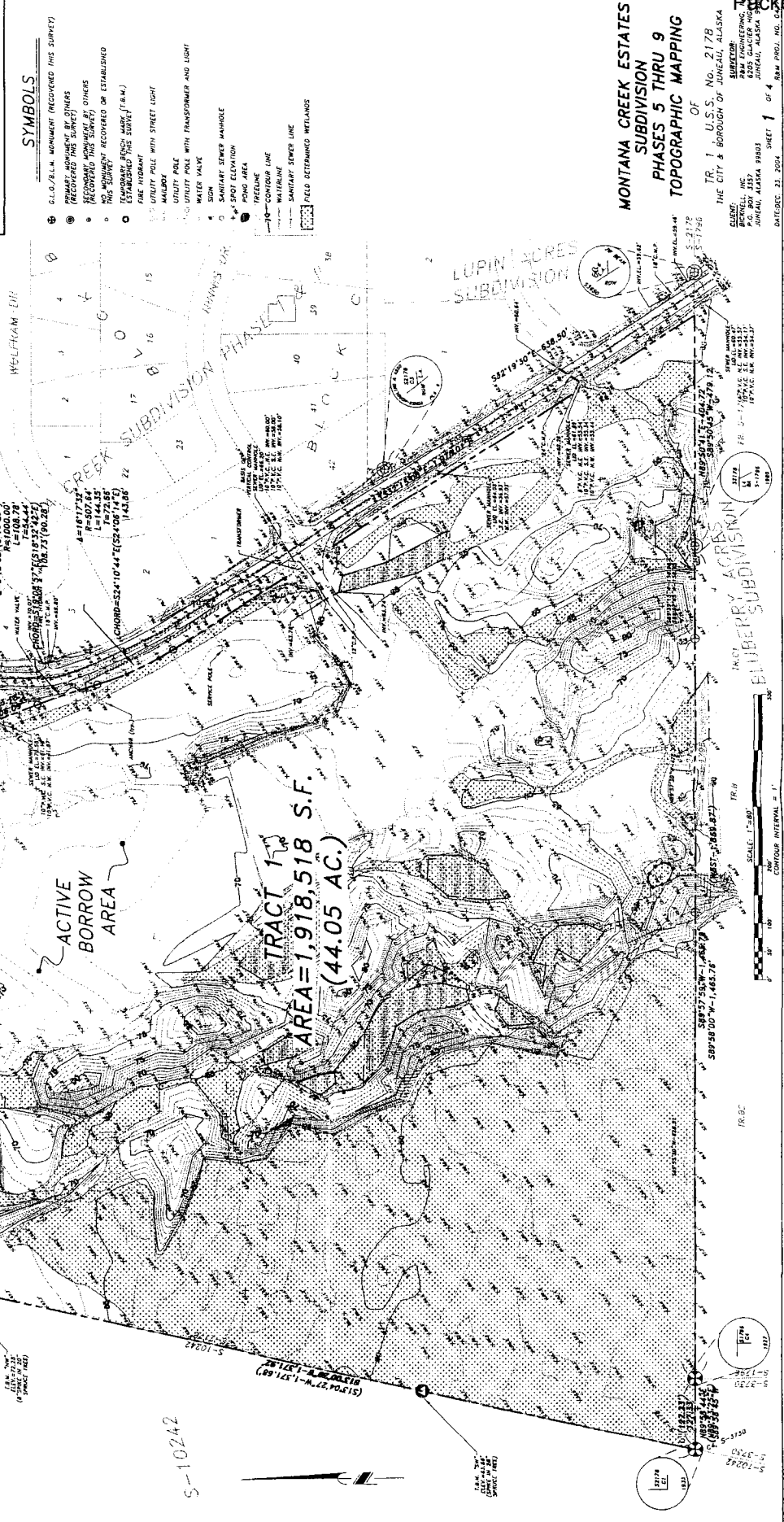
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 10/24/2024
 SURVEY NO. 2178
 SHEET 1 OF 4

VICINITY MAP
 SOURCE: ALASKA ELECTRIC LIGHT & POWER CO. MAPING
 SCALE: 1" = 1,000'

SYMBOLS

- C.I.O./B.L.M. MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- NO MONUMENT RECOVERED ON ESTABLISHED
- ESTABLISHED POINT MARK (I.B.M.)
- FINE HYDRANT
- UTILITY POLE WITH STREET LIGHT
- UTILITY POLE
- UTILITY POLE WITH TRANSFORMER AND LIGHT
- WATER VALVE
- SANITARY SEWER MANHOLE
- POND AREA
- TREELINE
- CONTOUR LINE
- WATERLINE
- SANITARY SEWER LINE
- FIELD DETERMINED WETLANDS



MONTANA CREEK ESTATES
 SUBDIVISION
 PHASES 5 THRU 9
 TOPOGRAPHIC MAPPING

TR. 1 U.S.S. NO. 2178
 OF
 THE CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:
 JUNEAU ELECTRIC
 4305 GLACIER AVENUE
 JUNEAU, ALASKA 99803

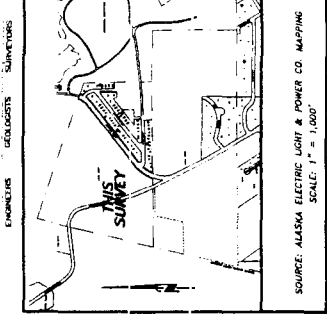
DATE: DEC. 23, 2024

SHEET 1 OF 4

SCALE: 1" = 80'
 CONTOUR INTERVAL = 1'

LEGEND:

- C.I.O./B.L.M. MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT BY OTHERS (RECOVERED THIS SURVEY)
- NO MONUMENT RECOVERED ON ESTABLISHED
- ESTABLISHED POINT MARK (I.B.M.)
- FINE HYDRANT
- UTILITY POLE WITH STREET LIGHT
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- POND AREA
- TREELINE
- CONTOUR LINE
- WATERLINE
- SANITARY SEWER LINE
- FIELD DETERMINED WETLANDS

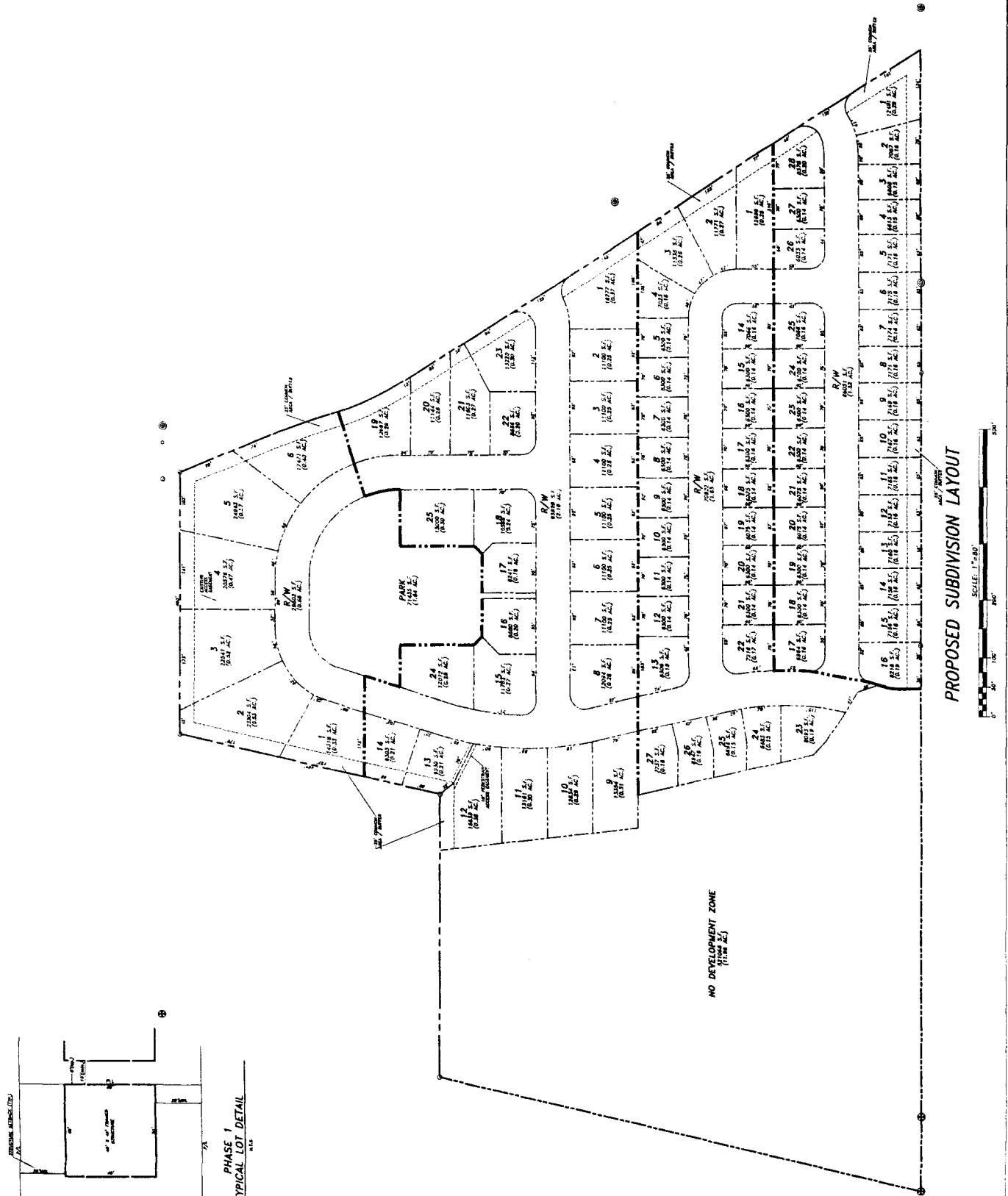


SUBDIVISION SUMMARY

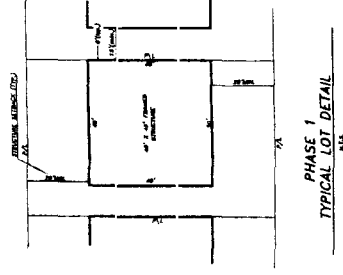
PHASE 1	28 LOTS
PHASE 1	28 UNITS
PHASE 1	RIGHT-OF-WAY — 1.52AC.
PHASE 1	COMMON SPACE — 0.75AC.
PHASE 2	27 LOTS
PHASE 2	30 UNITS
PHASE 2	RIGHT-OF-WAY — 1.63AC.
PHASE 2	COMMON SPACE — 0.16AC.
PHASE 3	25 LOTS
PHASE 3	32 UNITS
PHASE 3	RIGHT-OF-WAY — 2.16AC.
PHASE 3	COMMON SPACE — 0.45AC.
PHASE 4	6 LOTS
PHASE 4	24 UNITS
PHASE 4	RIGHT-OF-WAY — 0.68AC.
PHASE 4	COMMON SPACE — 0.60AC.
PHASE 4	PARK SPACE — 1.64AC.
TOTAL LOTS	86
TOTAL UNITS	114
TOTAL AREA	38.14AC.
TOTAL RIGHT-OF-WAY	5.99AC.
TOTAL COMMON SPACE	1.96AC.
TOTAL PARK	1.64AC.
TOTAL NO DEVELOPMENT	11.96AC.

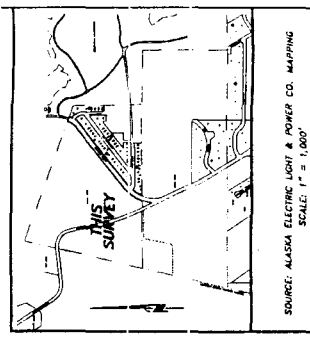
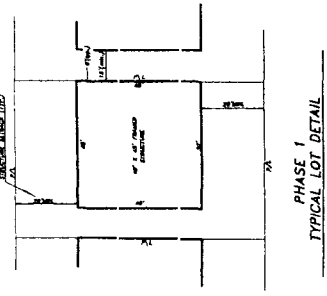
A PRELIMINARY SUBDIVISION PLAT
OF
TRACT 1A, U.S. SURVEY NO. 2178
DEMOLITION
MONTANA CREEK WEST
PHASES 1, 2 AND 3
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT: MICHELL INCORPORATED
JUNEAU, ALASKA 99801
DATE: FEB. 6, 2006
SHEET 1 OF 1
RAW PLAN NO. 04172



PROPOSED SUBDIVISION LAYOUT

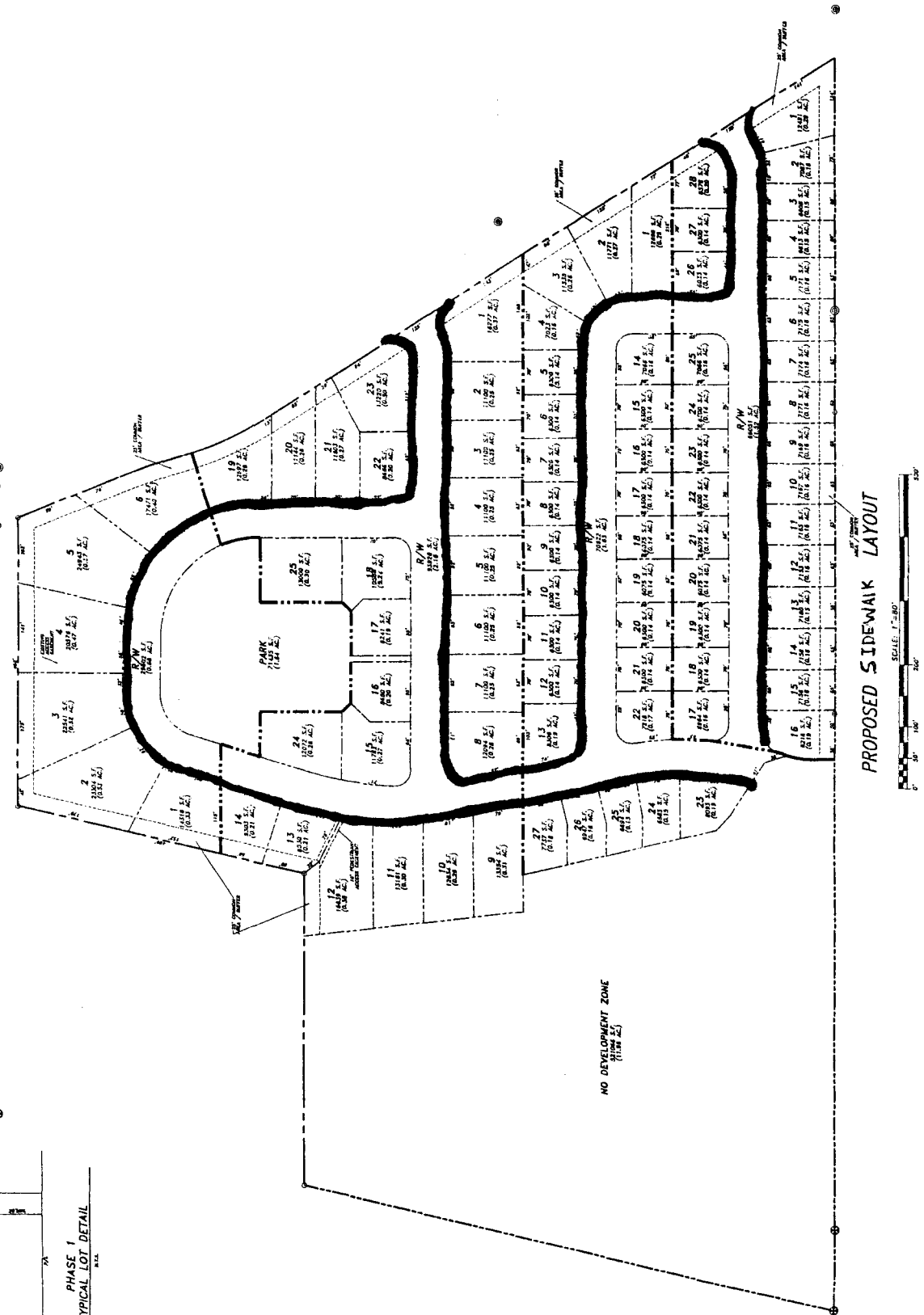




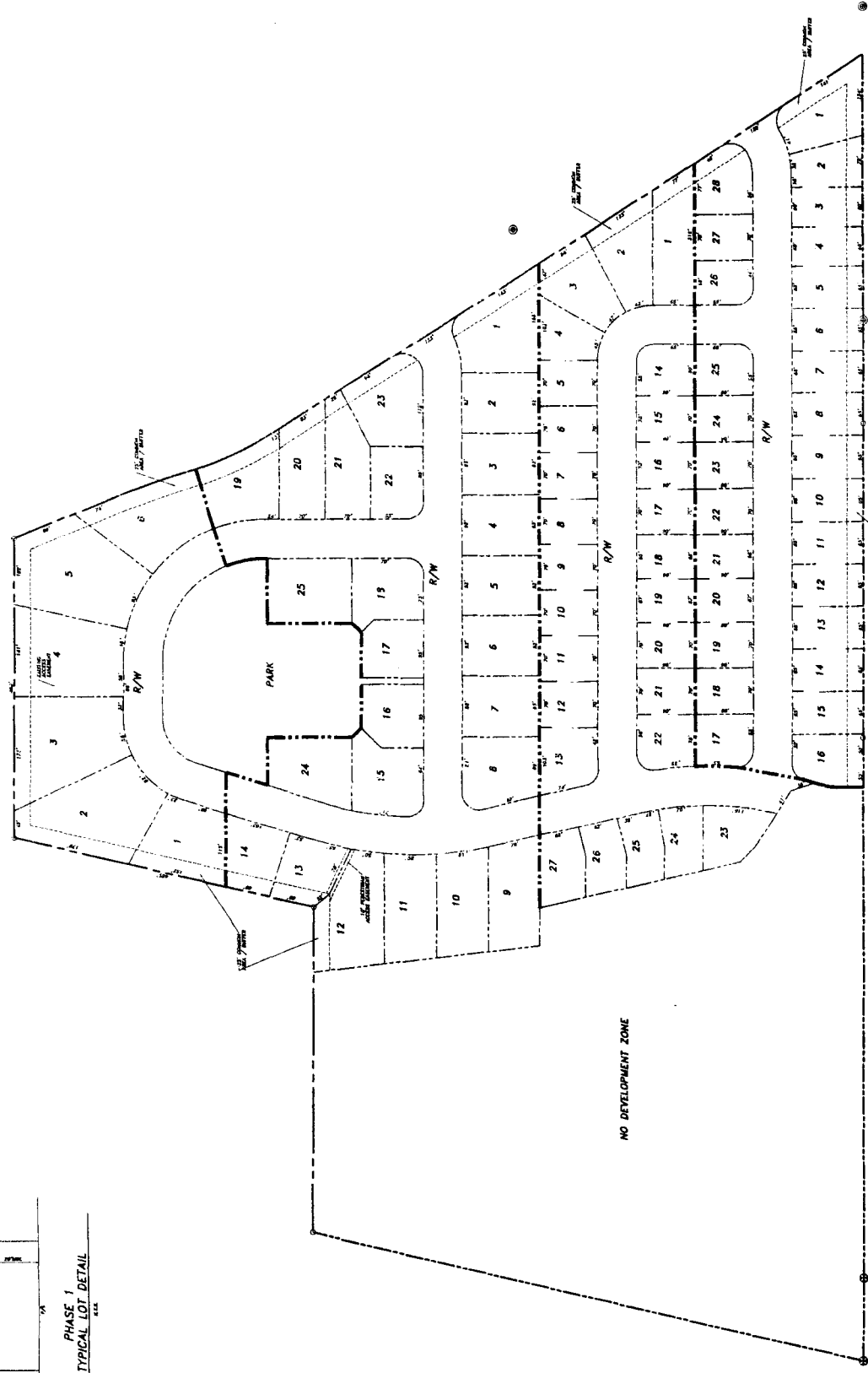
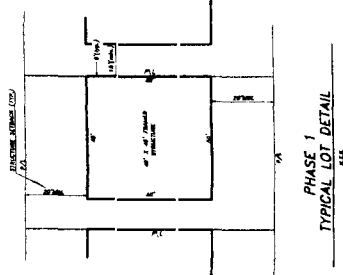
SUBDIVISION SUMMARY

PHASE 1	28 LOTS
PHASE 1	28 UNITS
PHASE 1	RIGHT-OF-WAY — 1.52AC.
PHASE 1	COMMON SPACE — 0.75AC.
PHASE 2	27 LOTS
PHASE 2	30 UNITS
PHASE 2	RIGHT-OF-WAY — 1.83AC.
PHASE 2	COMMON SPACE — 0.16AC.
PHASE 3	25 LOTS
PHASE 3	32 UNITS
PHASE 3	RIGHT-OF-WAY — 2.16AC.
PHASE 3	COMMON SPACE — 0.45AC.
PHASE 4	6 LOTS
PHASE 4	24 UNITS
PHASE 4	RIGHT-OF-WAY — 0.68AC.
PHASE 4	COMMON SPACE — 0.60AC.
PHASE 4	PARK SPACE — 1.64AC.
TOTAL LOTS	86
TOTAL UNITS	114
TOTAL AREA	38.14AC.
TOTAL RIGHT-OF-WAY	5.99AC.
TOTAL COMMON SPACE	1.96AC.
TOTAL PARK	1.64AC.
TOTAL NO DEVELOPMENT	11.96AC.

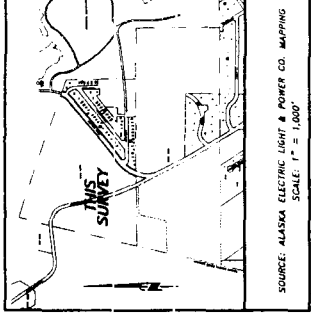
A PRELIMINARY SUBDIVISION PLAT
TRACT 1A, U.S. SURVEY NO. 2178
DENOTING
MONTANA CREEK WEST
PHASES 1, 2 AND 3
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA
SUNDTSON ENGINEERING, INC.
8225 CLARKER HIGHWAY
JUNEAU, ALASKA 99801
SHEET 1 OF 1
DATE: FEB. 4, 2008



SCALE: 1" = 80'



PROPOSED STRUCTURE LOCATIONS



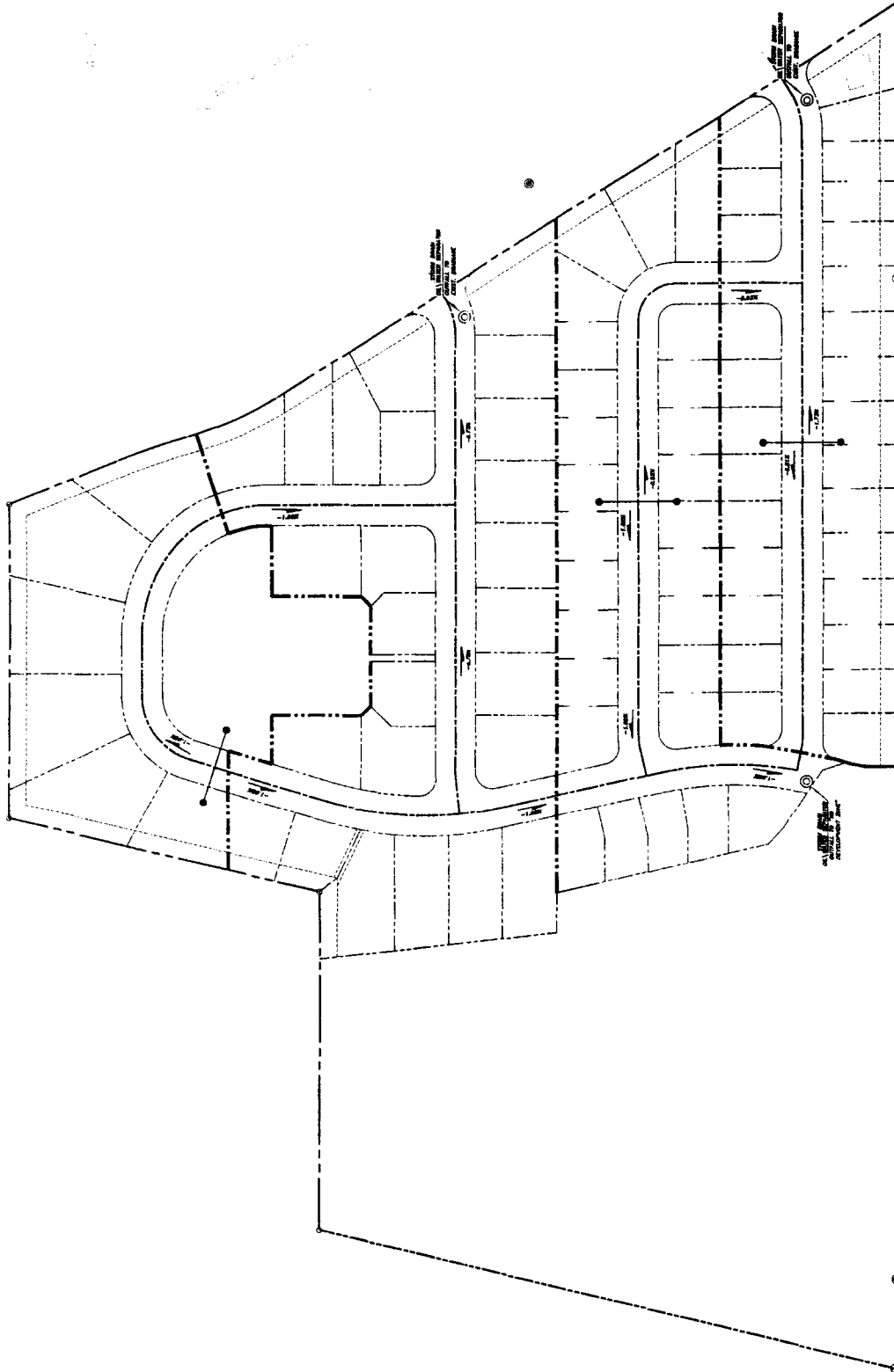
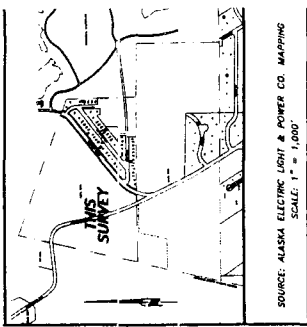
SOURCE: ALASKA ELECTRIC LIGHT & POWER CO. MAPS
SCALE: 1" = 1,000'

SUBDIVISION SUMMARY

PHASE 1	28 LOTS
PHASE 1	28 UNITS
PHASE 1	RIGHT-OF-WAY 1.52AC.
PHASE 1	COMMON SPACE 0.75AC.
PHASE 2	27 LOTS
PHASE 2	30 UNITS
PHASE 2	RIGHT-OF-WAY 1.63AC.
PHASE 2	COMMON SPACE 0.16AC.
PHASE 3	25 LOTS
PHASE 3	32 UNITS
PHASE 3	RIGHT-OF-WAY 2.16AC.
PHASE 3	COMMON SPACE 0.43AC.
PHASE 4	6 LOTS
PHASE 4	24 UNITS
PHASE 4	RIGHT-OF-WAY 0.68AC.
PHASE 4	COMMON SPACE 0.60AC.
PHASE 4	PARK SPACE 1.64AC.
TOTAL LOTS	86
TOTAL UNITS	114
TOTAL AREA	38.14AC.
TOTAL RIGHT-OF-WAY	5.99AC.
TOTAL COMMON SPACE	1.96AC.
TOTAL PARK	1.64AC.
TOTAL NO DEVELOPMENT	11.96AC.

A PRELIMINARY SUBDIVISION PLAT
OF
TRACT 1A, U.S. SURVEY NO. 2178
DEMONSTRATING
MONTANA CREEK WEST
PHASES 1, 2 AND 3
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT: JUNEAU ELECTRIC LIGHT & POWER CO.
ADDRESS: 6305 CEDAR STREET
JUNEAU, ALASKA 99803
DATE: FEB. 6, 2006
SHEET 1 OF 1
RAW 2006 AND 041724



A PRELIMINARY SUBDIVISION PLAT
TRACT 1A, U.S. SURVEY NO. 2178
DENOTING
**MONTANA CREEK WEST
PHASES 1, 2 AND 3**
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA

CLARK
BACHILL, INCORPORATED
P.O. BOX 3357
JUNEAU, ALASKA 99803
DATE: FEB. 5, 2008

SURVEY
BY
RAM ENGINEERING, INC.
8505 E. CIDER HIGHWAY
JUNEAU, ALASKA 99801
RAM PROJ. NO. 041248

SHEET 1 OF 1

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Nathan Bishop
Planner

DATE: January 26, 2006

FROM: Roger Healy, P.E.
Engineering Director

FILE: Montana Creek
Subdivision

RE: Montana Creek Subdivision – Phase V, VI, and VII

Bicknell has submitted preliminary plats for development of Montana Creek Subdivision Phases 5, 6, and 7. In review, you had concerns on several issues:

- Sidewalks requirements in the Planned Unit Development;
- Filling and building upon the existing Dredge Pond;
- Water Pressure.

Sidewalk Construction. As outlined on your preliminary drawing (attached), the sidewalk plan was satisfactory as a reduction from our standard of two sidewalks on either side of each roadway, given that the developer will provide a greater requirement for the typical section. In the next several weeks, CBJ Engineering can coordinate a typical section that would be acceptable for the reduction in the double sidewalk requirement.

Dredge Pond. Filling the dredge pond and constructing houses, utilities, and roads on top of this area is feasible, but has substantive costs attached to its proper construction. The CBJ Engineering Department does not recommend development of homes, roads, and utilities over the dredge pond unless the developer follows careful and complete engineering and construction practices. Failure of the fill material through punching failure, rotational failure, and/or liquifaction has substantive liability implications. With the information provided, the CBJ Engineering Department cannot decide on the feasibility of this proposal at this time. The Engineering Department has three major concerns regarding this proposal:

- Uniformity of fill material;
- Quality of fill material;
- Consolidation of the material at all depths.

The developer must verify the existing contents and depths of the pond to the satisfaction of the CBJ Engineering Department – prior to more filling. Filling operations must be monitored over the course of grading operations to ensure consistent quality and uniformity. Once the developer submits engineered plans and calculations that identify the engineered fill plan, the Engineering Department will assess an appropriate bond and inspection fee. In regards to quality of material, the developer must remove all existing organics (if present), and no organics will be allowed in future filling operations. All fill will be placed in accordance with an engineered plan. The engineered plan must include calculations that address liquefaction in a seismic event as well as static loadings. Recommended methods for achieving consolidation



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

Nathan Bishop
February 8, 2006
Page 2 of 2

may include surcharging, vibroflotation, and/or other methods proposed by the developer and approved by the Engineering Department. Within the engineered fill plan, the developer's engineer must identify methods for verifying consolidation at all depths after filling efforts are completed.

Water Pressure. The rough elevation of this subdivision is between 65 and 75 feet above sea level. The East Valley Reservoir is typically filled to an 195 foot elevation and will be the primary supply to this area during a fire event, although the Auke Lake Reservoir will provide some flow also. This subdivision will feed from the 16" ductile iron water main on Montana Creek Road. Preliminary head loss calculations of a fire flow of > 2000 gallons per minute to this subdivision shows that fire flow at, or above, 20psi will not be a problem if a looped water system is provided within the subdivision. CBJ Engineering and the Fire Department will review the developer's engineered water system when plans are received.

cc: Dale Pernula
Paul Beck
Rich Etheridge

Presented by: The Manager
 Introduced: 09/19/2005
 Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2005-31

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Parts of the West Mendenhall Valley, Including Parcels TR B2, USS 1796; TR 1, USS 2178; and All Parcels Within Blueberry Acres Subdivision, Currently Zoned D-1 Residential, to D-3 Residential.

WHEREAS, protecting the full development rights of a large parcel, while at the same time protecting wetlands and floodplain values, can be accomplished through the zoning and planned unit development processes; and

WHEREAS, the CBJ Comprehensive Plan provides that in the subarea proposed for rezoning in this ordinance, CBJ "Limit density of development in the West Mendenhall Valley to maintain wetlands, avoid flood hazards and provide open space"; and

WHEREAS, the wetlands that have the highest functional values within the parcels that are the subject of this zone change, coincide with the floodplain of Montana Creek; and

WHEREAS, CBJ's single-family residential vacancy rate is well below the desired five percent as prescribed by the CBJ Comprehensive Plan; and

WHEREAS, the CBJ Comprehensive Plan recommends that CBJ "provide flexibility in density rules to allow developments to be designed to minimize impacts to wetlands and stream habitats, such as through cluster development"; and

1 WHEREAS, the CBJ Planning Commission, after reviewing the adopted wetlands
2 management plan, has concluded that preservation of wetlands within the floodplain
3 of Montana Creek comprises appropriate on-site mitigation to allow full development
4 of the remainder of the wetlands within the parcels that are subject to development
5 under this proposed zoning change.
6

7
8 NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF
9 JUNEAU, ALASKA:

10 **Section 1. Classification.** This ordinance is of a general and permanent nature
11 and shall become a part of the City and Borough code.
12

13 **Section 2. Amendment of Official Zoning Map.** The Official Zoning Map of
14 the City and Borough adopted pursuant to CBJ 49.25.110 is amended to change the
15 zoning of parts of the West Mendenhall Valley, parcels TR B2, USS 1796, TR1, USS
16 2178, and all parcels within Blueberry Acres Subdivision, currently zoned D-1
17 Residential, to D-3 Residential, as shown in the attached map, Exhibit "A," with the
18 conditions set forth in Section 3.
19

20
21 **Section 3. Conditions.** The zone change provided in Section 2 is subject to the
22 following conditions:
23

- 24 1. There shall be no development in areas where wetlands and floodplains
25 coincide, as shown on Exhibit "A".
26

2. For that part of the rezoned area outside of the area restricted by Condition No. 1, above, development of wetlands shall be allowed, and deemed consistent with the enforceable policies of the Juneau Coastal Management Program as adopted in CBJ 49.70.100, if such development is otherwise consistent with the CBJ Land Use Code.
3. The density allowance of a parcel which is subject to the development restrictions of Condition No. 1, above, shall be transferable to the fraction of any such parcel of which is not subject to Condition No. 1, above, pursuant to the requirements of the Planned Unit Development process as set forth in CBJ 49.15.600.

Section 4. Administration. The requirements set forth in Section 3 shall be noted on the zoning maps and in the CBJ permit tracking system.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this day of 2005.

Bruce Botelho, Mayor

Attest:

Laurie J. Sica, Clerk

Presented by: The Manager

Date: 11/21/2005

AMENDMENT

ORD. 2005-31 - Page 2, Line 24.

Section 3. Conditions. The zone change provided in Section 2 is subject to the following conditions:

1. *Except for CBJ rights-of-way, pedestrian pathways, and wetland enhancements as approved by the CBJ Planning Commission and the Wetlands Review Board, there shall be no development in areas where wetlands and floodplains coincide, as shown on Exhibit "A".*

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT/PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM**

☐ SOUTHCENTRAL REGIONAL OFFICE
550 W 7th AVENUE SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 FAX: (907) 269-3891

☒ CENTRAL OFFICE
302 GOLD STREET, SUITE 202
P.O. Box 110030
JUNEAU, ALASKA 99811-1030
PH: (907) 465-3562 FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4th AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501
PH: (907) 2857-1351 FAX: (907) 272-3829

www.alaskacoast.state.ak.us

January 23, 2006

Mr. Dan Miller
Montana Creek Development, Inc.
Post Office Box 33517
Juneau, Alaska 99803-3517

Dear Mr. Miller:

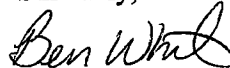
**Subject: Montana Creek (Montana Creek Development, Inc. Phase 5)
State I.D. No. AK 0508-05J
Proposed Consistency Determination - Concurrence**

The Office of Project Management and Permitting (OPMP) is currently coordinating the State's review of the proposed construction of a residential subdivision near Montana Creek within Juneau, Alaska for consistency with the Alaska Coastal Management Program (ACMP).

Based upon review by the Alaska Department of Natural Resources and the affected coastal district, OPMP has developed the enclosed proposed consistency determination, in which the State concurs with certification that was submitted by the applicant, that the project is consistent with the ACMP and affected coastal district's enforceable policies.

By copy of this letter, I am informing the U.S. Army Corps of Engineers and State review participants of OPMP's proposed finding. If you have any questions, please contact me at (907) 465-8791 or email ben_white@dnr.state.ak.us.

Sincerely,



Ben White
ACMP Project Specialist

Enclosure

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

Attachment C - PUD Approval

Distribution List:

Jim Powell – ADEC, Juneau *
Wayne Dolezal – ADFG, Anchorage *
Travis Guymon – ADNR/DMLW, Juneau *
Doug Sanvik – ADNR/DMLW, Juneau *
Brady Scott – ADNR/DMLW, Juneau *
Jackie Timothy – ADNR/OHMP, Juneau *
Sheila Cameron – ADNR/OHMP, Juneau *
Kim Kruse – ADNR/OPMP, Anchorage *
Jennifer Becker – ADNR/OPMP, Juneau *
Margie Goatley – ADNR/SHPO, Anchorage *
Andy Hughes – ADOT/PF, Juneau *
Dan Miller – Agent, Juneau *
Teri Camery – Coastal District, Juneau *
Nathan Bishop – City and Borough of Juneau *
Sue Walker – NMFS, Juneau *
Jeff Koschak – USACE, Anchorage * **
Chris Meade – USEPA, Juneau *

* = Emailed, ** = Faxed

**ALASKA COASTAL MANAGEMENT PROGRAM
PROPOSED CONSISTENCY DETERMINATION
CONCURRENCE**

DATE ISSUED: January 23, 2006

PROJECT TITLE: Montana Creek (Montana Creek Development, Inc. Phase 5)

STATE ID. NO.: AK 0508-05J

AFFECTED COASTAL RESOURCE DISTRICT: Juneau

PROJECT LOCATION:

The proposed project would be located within Section 13, Township 40 South, Range 65 East, Copper River Meridian. Coordinates for the project are approximately latitude 58° 24' 28" North, longitude 134° 35' 49" West; within Phase V (5) of the Montana Creek Subdivision in Juneau, Alaska.

DESCRIPTION OF PROJECT SUBJECT TO ACMP REVIEW:

The following project description was taken from the public notice that was issued on July 22, 2005 by the U.S. Army Corps of Engineers: "The applicant proposes to construct a 23-lot residential subdivision on a 5-acre tract of land, which would involve discharging approximately 7,000 cubic yards of sandy gravel fill material into 21,638 square feet (0.5 acre) of forested wetlands. Paved roads with curb and gutter would be extended into the site resulting in 0.29 acres of wetland fill for public street development. The remaining 0.21 acres of wetland fill would result from the construction of residential lots in the wetlands. Approximately two feet of muck and organic soil would be excavated from some of the fill areas and placed on an upland area and/or be used in the proposed fill areas.

Purpose: The applicant states the purpose of the project would be to construct residential housing.

Additional Information: Approximately 4,204 square feet of Class A wetlands would be filled by the project, according to the Juneau Wetland Management Plan. The remaining wetlands have been classified as Class C wetlands that extend 500 feet from the edge of Montana Creek Road.

The Corps of Engineers (COE) issued its original permit under this file number on September 3, 1998, to discharge 1,400 cubic yards of fill materials into 0.21 acres of wetlands for Phase III development. A permit modification was issued on June 23, 2003, to discharge an additional 200 cubic yards of fill material in 0.04 acres of wetlands for another lot in the Phase III development. The second and last permit modification was issued on January 22, 2004, to discharge 1,693 cubic yards of fill material into 0.35 acres of wetlands for Phase IV development.

The applicant has also provided conceptual long-range plans for the entire site as requested previously by some resource agencies. The plans involve the development of an additional four phases (6-9) of housing development, which would impact an additional 3.34 acres of wetlands. However, these additional phases are not being applied for at this time.

There is an existing operational gravel pit within the proposed phase VI (6) area.

Mitigation: As a result of early project planning, the applicant has proposed the following mitigation efforts to reduce impacts to the aquatic environment.

- 1) Proposed wetland fill was reduced from an original 1.35 acres in the application to the current 0.50 acre. This was accomplished by such measures as reducing building pads in wetlands from 50-feet by 70-feet to 50-feet by 55-feet.
- 2) The applicant proposes to use temporary silt fences and other features to minimize erosion and sedimentation from the site."

Additional Information:

On December 5, 2005 the Juneau Assembly passed Ordinance 2005-31 in which it allowed Montana Creek Development Inc., to increase the density of housing on smaller individual lots within certain areas of Phase 5 in order to create an 11.52 acre "no development" zone thereby setting aside the floodplain and most of the Category A wetlands along Montana Creek. In the final approval, the Juneau Assembly approved the zone change with the following conditions:

1. Except for CBJ rights-of-way, pedestrian pathways, and wetland enhancements as approved by the CBJ Planning Commission and the Wetlands Review Board, there shall be no development in areas where wetlands and floodplains coincide, as shown on Exhibit A (within Ordinance 2005-31).
2. For that part of the rezoned area outside of the area restricted by Condition Number 1 above, development of wetlands shall be allowed, and deemed consistent with the enforceable policies of the Juneau Coastal Management Program as adopted in CBJ 49.70.100, if such development is otherwise consistent with the CBJ Land Use Code.
3. The density allowance of a parcel which is subject to the development restrictions of Condition No. 1 above, shall be transferable to the fraction of any such parcel of which is not subject to Condition No. 1 above, pursuant to the requirements of the Planned Unit Development process as set forth in CBJ 49.15.600.

The project was redesigned to incorporate these conditions and new plans were submitted by the project agent to the U.S. Army Corps of Engineers on December 13, 2005. The revised amount of wetlands to be impacted by this proposed phase of the subdivision is 1.39 acres of Category C wetlands, and 1.01 acres of Category A wetlands.

SCOPE OF PROJECT REVIEW:

The scope of the project subject to the consistency review includes all activities that require an authorization from a Federal and State agency for the project to proceed – with the following exception: the scope of this review does not include the permitting process for the Alaska Department of Environmental Conservation's Certificate of Reasonable Assurance required from the State before a Section 404 (of the Clean Water Act of 1977) permit may be issued by the Department of the Army.

The design and construction of a mitigation fish habitat pond in the no development zone was discussed, however is not part of this ACMP project review and any plans for the construction of a fish pond will need to be addressed and permitted at a later date by the applicant.

AUTHORIZATIONS:

The project must be found consistent with the ACMP before the following Federal and State authorizations may be issued:

U.S. Army Corps of Engineers (COE)
Section 404 Permit (POA-1998-8-P)

Alaska Department of Environmental Conservation (ADEC)
Certificate of Reasonable Assurance (401)

The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 6AAC 80.140. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 6AAC 80.140 for those specific activities.

CONSISTENCY STATEMENT:

Based on an evaluation of the proposed Montana Creek Development Inc., project by the Alaska Department of Natural Resources – Division of Mining, Land and Water (DMLW), the Office of Habitat Management and Permitting (OHMP), and the Juneau Coastal District, the State of Alaska concurs with the consistency certification submitted by the project agent, Mr. Dan Miller.

ELEVATION:

Pursuant to 11 AAC 110.600, the project applicant, a state resource agency, or an affected coastal resource district with an approved coastal district plan that does not concur with this proposed consistency response may request an elevation of the response to the Department of Natural Resources Commissioner within five days of receiving the proposed response. A request for elevation must

- (1) be in writing;
- (2) be received by the coordinating agency by 5:00 p.m. within five calendar days after the requestor receives the proposed consistency response; and
- (3) explain the requestor's concern, including any addition of or modification to an alternative measure identified that would achieve consistency with the enforceable policies of the ACMP.

The applicant, within the five days, also may request an extension of time to consider the alternative measures or additional modifications. If the applicant or other review participants with elevation rights do not request an elevation or extension within the specified five days, the State will issue a final consistency response.

ADVISORIES:

Department of Natural Resources:

Division of Mining, Land and Water (DMLW) – On August 26, 2005 DMLW provided OPMP with the following written comments:

"The Land Section of the Division of Mining, Land and Water has reviewed the above referenced development project for consistency with the Alaska Coastal Management Program. The project proposes to construct a 23 lot subdivision.

The project and proposed land use activity now being reviewed involve no State land or reserved interest in land and no land use authorization is required from DNR/DMLW."

Office of Habitat Management and Permitting (OHMP) – After the applicant revised the project to incorporate the no development zone ordered by the Juneau Planning Commission in Ordinance 2005-31, OHMP submitted the following written comments to OPMP on January 6, 2006:

"According to 6AAC 80.130, wetlands "must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources". Although this modification will require more acres of wetlands to be filled, the highest value Category A wetlands (11.52 acres) will be preserved in a "no development zone". This area of no development should be put under a conservation easement or plat note.

It is our understanding that the CBJ will allow the applicant to construct a fish pond at the site for mitigation. We would be willing to assist the applicant with the design of the fish pond. We recommend that the applicant develop a draft plan for construction of the rearing pond taking into consideration the size of the pond, proposed water depths, soils, fish species present, and how the pond will be connected with the stream. The draft plan should be submitted to OHMP for review. If a suitable plan can be developed that connects the pond with Montana Creek, OHMP would process a Fish Habitat Permit for construction and maintenance of the fish pond. [The construction of a habitat pond as mitigation was discussed but is not part of this ACMP review. Should a habitat pond become necessary in the future, coordination with OHMP, COE, and OPMP would be necessary prior to construction.]

According to 11 AAC 110 and 6 AAC 80.130 Habitats, OHMP agrees with the certification that the project as proposed is consistent with the Alaska Coastal Management."

Juneau Coastal District – On January 10, 2006 OPMP received the following written comments from the Juneau Coastal District:

"The Juneau Coastal District concurs that the project is consistent with acceptance of the final alternative measures (conditions) adopted by the Assembly listed above [in the "Description of Project Subject to ACMP Review" section of this document]. We note that this consistency review does not include any work within the no-development zone, including construction of a fish pond. If a fish pond is proposed, it will need a new Corps Permit, DNR-Habitat Permit, Planning Commission approval, and full ACMP review."

This consistency determination may include reference to specific laws and regulations, but this in no way precludes an applicant's responsibility to comply with all other applicable State and federal laws and regulations.

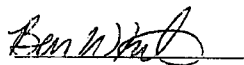
This consistency determination is only for the project as described. The applicant intends to use the 11.52 acre "no development" area as mitigation for the development of this subdivision. The State will require that any future development within this "no development" area undergo a full ACMP review. There is concern that development may take place in this area over time and that eventually the Category A wetlands that were to be set aside may become developed.

If, after issuance of a final consistency determination, the applicant proposes any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, the applicant must contact this office immediately to determine if further review and approval of the modifications to the project is necessary. Changes may require amendments to the State authorizations listed in this determination, or may require additional authorizations.

If the proposed activities reveal cultural or paleontological resources, the applicant is to stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

PROPOSED CONSISTENCY DETERMINATION PREPARED BY:

Ben White – ACMP Project Specialist
 Department of Natural Resources
 Alaska Coastal Management Program
 302 Gold Street, Ste. 202
 Juneau, Alaska 99801-0030
 (907) 465-8791


 Ben White

ACMP CONSISTENCY EVALUATION
Montana Creek (Montana Creek Development, Inc. Phase 5) – AK 0508-05J

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>).

STATEWIDE ENFORCEABLE POLICIES
6 AAC 80.040. Coastal Development
Evaluation: a) This project is located within coastal waters but is neither a water-dependent nor water-related use. The applicant has reduced the amount of fill placed in high value Category A wetlands within the floodplain of Montana Creek. b) According to the project description fill material is to be placed into coastal waters. OPMP defers to the United States Army Corps of Engineers to interpret compliance with the referenced standards.
6 AAC 80.050. Geophysical Hazard Areas
Evaluation: This project, as proposed and described, meets the intent of this standard.
6 AAC 80.060. Recreation
Evaluation: This project, as proposed and described, meets the intent of this standard.
6 AAC 80.070. Energy Facilities
Evaluation: This standard does not apply to the project as proposed.
6 AAC 80.080. Transportation & Utilities
Evaluation: This project, as proposed and described, meets the intent of this standard. The access roads within the project site have been located in a feasible and prudent method.
6 AAC 80.090. Fish & Seafood Processing
Evaluation: This standard does not apply to the project as proposed.
6 AAC 80.100. Timber Harvest & Processing
Evaluation: This standard does not apply to the project as proposed.
6 AAC 80.110. Mining & Mineral Processing
Evaluation: This standard does not apply to the project as proposed.
6 AAC 80.120. Subsistence
Evaluation: This project, as proposed and described, meets the intent of this standard.
6 AAC 80.130. Habitats
Evaluation: The Habitat Standard requires that habitats in the coastal area be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources. In addition, wetlands and tideflats must be managed to assure adequate water flow, nutrients, and oxygen levels, and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances.
Based on responses from review participants, and the reduction of development in Category A wetlands associated with the floodplain of Montana Creek, this project, meets the criteria and intent of this standard.
6 AAC 80.140. Air, Land & Water Quality

Evaluation: The ADEC statutes and regulations with respect to air, land and water quality are incorporated into the ACMP. The issuance of an ADEC authorization constitutes consistency with the ACMP for the authorized activity and this standard. Consistency with this standard will be established when the ADEC issues or waives the required authorizations.

6 AAC 80.150. Historic, Prehistoric, and Archaeological Resources

Evaluation: Comments from the district and the State did not identify the proposed project location as an area which is important to the study, understanding, or illustration of national, state, or local history or prehistory. The applicant has been advised to contact ADNR/SHPO and the U.S. Army Corps of Engineers and the Alaska State Troopers should a site of cultural or historical significance be suspected or revealed and to stop any work that would disturb any resources.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

Juneau Coastal District:

Juneau Wetlands Management Plan

There are many pertinent policies of JWMP that apply to this parcel. These policies give guidance as to how best address these specific requirements for the required subdivision improvements.

WETLANDS MANAGEMENT

49.70.1000 Purpose.

(a) This article establishes the standards of the Juneau Wetlands Management Plan as enforceable policies of the Juneau Coastal Management Program. These standards shall be used by the City and Borough Wetlands Review Board in making local wetlands permitting decisions, and by the director in rendering the City and Borough's response on coastal management consistency determinations coordinated by the state for projects requiring a permit from the U.S. Army Corps of Engineers for discharge of dredged or fill material into waters of the United States.

49.70.1080 Standards for review of wetlands permits.

(a) The standards set forth in this section will be applied by the Wetlands Review Board in its review and approval of wetland permits. These standards will also be applied by the Director to wetland development activities not covered by the general permit, through the Coastal Management Consistency Process coordinated by the State for projects requiring dredge and fill permits from the U.S. Army Corps of Engineers.

(b) The standards for review of wetlands permits are as follows:

(1) All individual wetlands will be managed in accordance with the wetland management designations presented in the charts and maps in the Juneau Wetlands Management Plan, the shoreline corridor designation rules, and the residential road corridor designation rules described in subsections (b)(5) and (6) of this section, respectively.

(2) Shoreline corridor designation rules and residential road corridor designation rules take precedence over the underlying wetland management designations presented in the Juneau Wetlands Management Plan.

(3) Shoreline corridor designation rules take precedence over the residential road corridor designation rules.

(4) Category A, B, C, D and EP wetlands will be managed according to the following management guidelines:

(A) Category A Wetlands may be developed only if there is no net loss of individual

functional values in the wetland unit. One environmental function cannot be substituted for another.

(B) Category B Wetlands may be developed only if there is no net loss of aggregate functional values in the wetland unit. One environmental function can be substituted for another. However, to the extent feasible and prudent, individual environmental functions that are rated high or medium high in the Juneau Wetlands Management Plan will be retained within the wetland unit.

(8) Mitigation. For each wetland unit, individual functions which have potential for high values as presented in the Juneau Wetlands Management Plan will be considered during review of a project. Any new information regarding the value of individual wetland functions will be evaluated and considered during the review of a project. Individual wetland functions may either be demonstrated to be less or more important than the data in the Juneau Wetlands Management Plan indicate. As wetlands are developed, some functions may become scarce, increase in value, and require special consideration during a project review.

(9) The following mitigation policies will apply to a development proposal that would be located in Category A or B Wetlands and that requires City and Borough, State or Federal permits:

(A) Avoid damage to the functional values by avoiding or relocating the development proposal.

(B) Where loss or damage to the functional values cannot be avoided, minimize loss or damage by limiting the degree or magnitude of the development and the actions associated with conducting the development.

(C) Where the loss of functional values cannot be minimized, restore or rehabilitate the wetland to its pre-disturbance condition, to the extent feasible and prudent.

(D) Where the loss of functional values at the development site is substantial and irreversible and cannot be avoided, minimized, or rectified, compensation for the loss of functional values are as follows:

(i) For Category A Wetlands, the compensation actions must be in-kind and must be on-site, located as close as possible to the development site.

(ii) For Category B Wetlands, the compensation actions may be in-kind or out-of-kind, provided the net aggregate values of the wetland unit are maintained. Compensation actions must occur on-site, located as close as possible to the development site.

49.70.1085 Mitigation.

(a) Mitigation strategy. In consultation with a working group comprised of State and Federal resource agencies, the Wetlands Review Board will develop a long-term, comprehensive wetlands mitigation strategy. The goal of the strategy will be to create the greatest environmental benefit for each mitigation expenditure. The strategy will include:

(1) Restoration and enhancement objectives with consideration to historical losses of wetland acreage and functional values;

(2) Suitable mitigation sites based on the degree and type of wetlands degradation at

- each site and opportunities for obtaining the site for the mitigation bank;
- (3) Appropriate and feasible mitigation projects for each identified site;
- (4) Individual functional values that can be recreated at each site with a high probability of success; and
- (5) Restoration and enhancement opportunities outside the proposed mitigation bank sites.

Evaluation: Due to the discussions and public meetings that have been held, this project has been significantly modified from the original submittal. The applicant has accepted the conditions of the Juneau Assembly and agreed to the 11.52 acre no development zone within the floodplain of Montana Creek. The Juneau Coastal District has determined that with the acceptance of the proposed conditions outlined in the project description, the project is consistent with the enforceable policies of the JCMP and JWMP.

SUB2007-00006

Modification to PUD eliminating zero side yard setbacks and 10' easements and amending the drainage easement along the 25' common southern property line.

Location: 9801 Lone Wolf Drive

Applicant: Dan Miller

Staff report

Greg Chaney provided a staff report and PowerPoint presentation. He said that although it was a fairly large Planned Unit Development (PUD), the proposed modification was relatively minor. The 10' easements along the zero setback property lines also included drainage easements, which were necessary because if a house was built up to a property line, soil needed to be sloped away from the foundation to direct water away from the house, which resulted in water being directed onto neighboring lots. In those situations, he said drainage easements were necessary to ensure that did not happen. With a 5' side yard setback, drainage easements were not necessary since each property owner would maintain drainage on their own lots, and they would not direct surface water onto neighboring properties. Even though the drainage easement platted along the rear of Lots 10 to 16 was larger than needed because of the pond, he stated that Ron King, the CBJ Regulatory Engineer, discussed the situation with the adjacent property owner and concluded the drainage easement might be removed from Lots 14 to 16. Therefore, he said the proposal was to take the same separation distance with a property line down the middle, and a 5' setback on either side, which was very common in subdivisions in the Mendenhall Valley D-5 zoned areas.

Public testimony

Joe Molburg of Bicknell Inc, 1790 Fritz Cove Road, representing the applicant, said the easement for the property line was suggested during the permitting process, which they agreed to. However, it has since proven to be burdensome during their attempt to work on each building permit. He said they placed drainage through to Lot 16 to expedite the process, as not doing so would have set them back one month behind an already late schedule. He said they intended to have a survey completed in the near future so the drainage issue could be resolved.

John Etheridge, 5301 Blueberry Lane, said he owned the adjacent lot on Blueberry Lane that had 1/3 of the pond on it. He stated that he might have created the drainage easement because when they began to build that development, it was fairly apparent that the City believed that Blueberry Lane drain off flowed towards the Mendenhall Loop Road, which was reflected on the plats, however it did not drain in that direction, and instead drained into the pond. He also believed that was when the City completed the drainage easement for the no-disturb area. His concern was in regards to Lot 12, as the Duran's owned the property that sloped down from a fairly high elevation to where the property was at the 25' no-disturb area. Therefore, he said if they were to fill out to where they could, it would have blocked off the drainage. However, if it was possible to redirect that drainage, he did not have an issue with that as long as they did not manipulate the no-disturb greenbelt area. Ms. Waterman asked staff to respond as to whether or not that was possible. Mr. Chaney stated that staff recommended one Condition for adoption by the PC that the CBJ Engineering Department would review the plat to verify the most appropriate location for the new drainage easement along the rear of Lots 10 through 16, and in addition, Mr. King

was aware of the drainage situation. He agreed with the applicant's representative and Mr. Etheridge's testimony, and believed what was being proposed would work to everyone's satisfaction.

Public testimony was closed.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested recommendation, with the following Condition:

1. CBJ Engineering Department will review the plat to verify the most appropriate location for the new drainage easement along the rear of lots 10 through 16.

Commission action

MOTION: *by Ms. Waterman, that the Planning Commission adopt the Director's analysis and findings and grant the requested recommendation, which was subject to the condition outlined by staff:*

Ms. Waterman supported the motion.

There being no objection, it was so ordered, and SUB2007-00006 was approved.

Mr. Miller returned to his seat on the PC.



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: June 11, 2015

File No.: SMP2015 0004

Bicknell, Inc.
PO Box 33517
Juneau, AK 99803

Application For: Major subdivision to create Montana Creek West Phase 2B.
Legal Description: Montana Creek West 2A Lot 30A
Parcel Code No.: 4-B29-0-116-040-0
Hearing Date: June 9, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 1, 2015, after amending finding 4 as shown below, and modified the preliminary plat with the street design as approved with the original Planned Unit Development (SUB2005-00048 and SUB2006-00018) shown as "attachment F" and with the modified sidewalk design as shown as "attachment H" in the attached staff report, with the following advisory condition:

Amended Finding

4. Will the proposed development materially endanger the public health or safety?

2005 PUD Subdivision Design with revised sidewalk design

No. The 2005 PUD and revised sidewalk design will not materially endanger the public health or safety because it meets local fire code with future connections to a second access point and does not create danger.

Advisory Condition:

1. The applicant should consider amending the Planned Unit Development in regard to sidewalk design so that future phases would be reviewed for conformance with the potentially revised sidewalk plan.

Attachment: June 1, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMP2015 0004.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

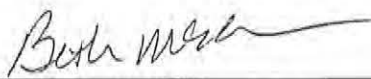
Attachment D - Phase 2B

Bicknell, Inc.
 File No.: SMP2015 0004
 June 11, 2015
 Page 2 of 2

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, June 9, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or December 9, 2016, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 
 Eric Feldt, Planner
 Community Development Department


 Michael Satre, Chair
 Planning Commission

 6/12/15
 Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

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

DATE: June 1, 2015

TO: Planning Commission

FROM: Eric Feldt, Planner II, CFM
 Community Development Department

FILE NO.: SMP2015 0004

PROPOSAL: Montana Creek West Ph. 2B subdivision creating 16 lots.

GENERAL INFORMATION

Applicant: Bicknell, Inc.

Property Owner: Bicknell, Inc.

Legal Description: Montana Creek West 2A Lot 30A

Parcel Code No.: 4-B29-0-116-040-0

Site Size: 16.9 Acres

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D-3

Utilities: Public Water and Sewer

Access: Montana Creek Road

Existing Land Use: Single Family Residential

Surrounding Land Use:
 North – D-3; Vacant (Future Subdivision Phases)
 South – D-3; Single Family Residential; Mendenhall Loop Rd
 East – D-1; Single Family Residential; Trappers Lane
 West – RR; Vacant CBJ Land

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Vicinity Map



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ATTACHMENT

Attachment	A	Proposed Ph. 2B Design and Construction Drawings
Attachment	B	Proposed Street Profile Design
Attachment	C	2005 PUD Subdivision and Sidewalk Design
Attachment	D	SUB2005-00048 Approval Letter
Attachment	E	Project Narrative
Attachment	F	2005 PUD Street Layout Ph. 1 and 2
Attachment	G	CBJ CCF/R Fire Marshal Email
Attachment	H	Applicant's Ph. 2B Sidewalk Plan
Attachment	I	Additional Submittals

PROPOSAL

The applicant seeks to build phase 2B of the Montana Creek Planned Unit Development (PUD) subdivision located in the northern section of the Mendenhall Valley. The proposal is shown in Attachments A and B. This is one of many remaining phases of the pre-approved subdivision design. The overall subdivision design is provided in Attachment C, approved under case SUB2005-00048 (see Attachment D).

The applicant's design of phase 2B deviates from the pre-approved subdivision street design due to high costs in street construction, utilities, and topographic challenges. The applicant provided a detailed letter explaining reasons for this change in Attachment E. Deviating from the original street design constitutes a Major Amendment to the approved 2005 Preliminary Plan (Case # SUB2005-00048) under 49.15.660(c). This amendment warranted a Preliminary Plat review. Typically, once a Preliminary Plat is approved for the whole subdivision each subdivision phase requires only a Final Plat review unless amendments are proposed.

After staff informed the applicant that their proposed street design does not comply with local fire codes, the applicant provided a street design consistent with the 2005 PUD subdivision (Attachment F) but has a sidewalk design different than the PUD subdivision sidewalk plan. Throughout the report, the applicant's proposed street design is referred to as the 'preferred' plan (Attachment A).

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BACKGROUND

In 2006, the Planning Commission approved a Planned Unit Development (PUD) subdivision called Montana Creek West through a Preliminary Plat review (case SUB2005-00048). This multi-phase subdivision will establish a total of 114 dwelling units and 86 lots. This subdivision was approved through major subdivision permits SUB2005-00048 (Preliminary Plat) and SUB2006-00018 (Final Plat). The street and sidewalk locations were established during the Preliminary Plat review and became 'pre-approved' for each phase of construction. The applicant has completed the first phase and half of the second phase (phase 2A).

PUDs provide flexible subdivision designs by requiring additional open space, vegetative buffers, and pedestrian pathways (49.15.670). The entire Montana Creek West subdivision was afforded this flexibility. Nearly one-third of the overall subdivision must be preserved as wetlands and riparian habitat, and thus, cannot be developed; while the remaining area was allowed to be developed with a mixture of lot sizes and housing types. The overall density of the subdivision complies with the allowable density of the D-3 zoning district (3 units per acre).

Subsequent phases of the Montana Creek West subdivision are required to be consistent with the specific PUD and Major Subdivision standards, as well as any conditions established in the original subdivision permits (SUB2005-00048 and SUB2006-00018). Also, each phase requires additional subdivision review through the subdivision permitting process (49.15.650).

The proposal of Phase 2B is a Major Subdivision and thus must meet the standards of 1) Preliminary Plat Approval (49.15.430) and later 2) Final Plat Approval (49.15.440). Both of these approvals will be reviewed by the Planning Commission through the Conditional Use permitting process. The Preliminary Plat approval (subject of this memorandum) establishes the subdivision layout of parcels, roads, utilities, etc. for construction. Once construction is finished, the second step (Final Plat approval) involves ensuring all improvements have been completed per code and the recording of the subdivision plat.

THE PLANNED UNIT DEVELOPMENT PROCESS

A Planned Unit Development (PUD) is reviewed according to a two-step process: preliminary plan approval and final plan approval. At this stage, the Planning Commission is being asked to approve the preliminary plan for Phase 2B. The Commission shall approve a PUD preliminary plan if it meets the requirements of section 49.15.330 (Conditional Use criteria) and:

- (1) The design effectively provides for clustered buildings, mixed uses, or mixed housing types;
 - **Staff: Through the preservation of nearly 1/3 of the overall subdivision site, development is clustered to the east area. A mixture of single family and multifamily are incorporated into different subdivision phases, as well as a neighborhood park.**

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- (2) The development protects natural features and avoids natural hazards by reserving them as undisturbed open space;
 - **Staff: Lot 29 preserves nearly 12 acres of high value wetlands and sensitive Montana Creek habitat.**
- (3) The development is consistent with the land use code;
 - **Staff: The density of the overall subdivision area is consistent with the D-3 allowance of 3 units per acre. The size of the PUD meets the minimum site area per 49.15.670(b). The uses of the Montana Creek West subdivision are allowed in PUDs.**
- (4) The development incorporates boundary buffers sufficient to separate adjacent property from dissimilar uses;
 - **Staff: There is a 25-foot perimeter buffer along the exterior boundary of the PUD.**
- (5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough engineering department;
 - **Staff: Street extensions consist of public sewer, water, and storm sewer, as reviewed and inspected by applicable CBJ departments.**
- (6) The configuration of the development provides for economy and efficiency in utilities, housing construction, streets, parking and circulation;
 - **Staff: The subject memorandum discusses the utilities, housing construction, street, and other elements of proposed phase 2B.**
- (7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire planned unit development; and
 - **Staff: The applicant's preferred design of phase 2B is not consistent with the 2005 PUD subdivision design. The applicant's explanation is provided under Attachment E. However, the applicant did submit a design that is consistent with the 2005 PUD subdivision.**
- (8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.
 - **Staff: Proposed phase 2B will not result in any negative cumulative impacts on the neighborhood or natural environment.**

ANALYSIS

Zoning

All proposed lots of phase 2B are similar in size and dimension to those existing in phases 1 and 2A, between 6,000 and 10,000 square feet in size and 90' deep x 70' wide (approximate). The applicant's preferred proposal consists of 16 lots; the 2005 PUD design submittal consists of 15 lots because of the additional Glacier Bear Boulevard right-of-way space to the north. The variation of

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the number of lots is acceptable because future phases of the subdivision have not been built. Therefore, the additional lot in phase 2B can be subtracted from future phases. This will allow the subdivision's overall density to be within the D-3 allowance.

Drainage

Phase 2B consists of wetlands, ponds, and a variety of vegetation. Future development will drain toward the extended Timberwolf Lane and Glacier Bear Boulevard drainage systems. These streets will continue the existing swales and underground drainage tiles to accommodate the additional site and street drainage.

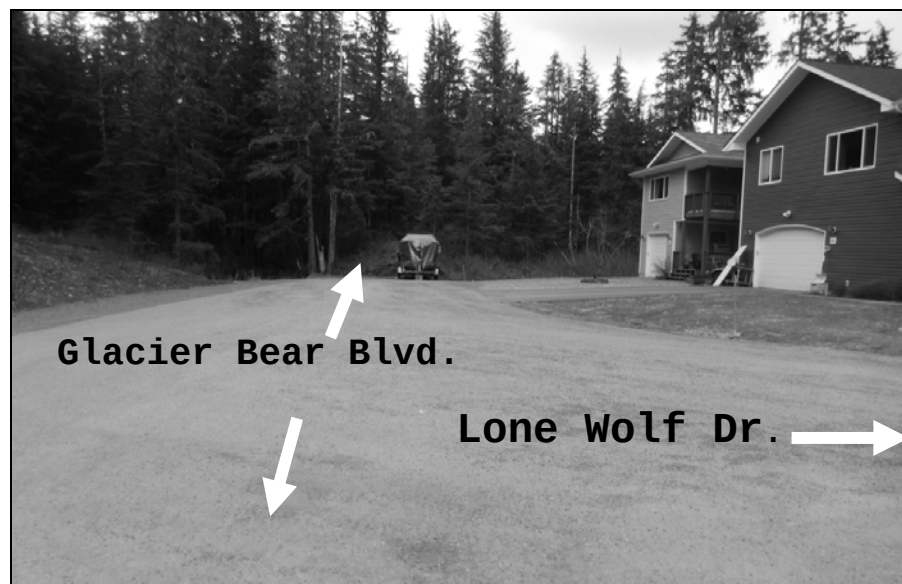


Figure 1: Looking north at the temporary dead-end of Glacier Bear Boulevard. This road will be extended in phase 2B. Lone Wolf Drive is to the immediate right (east). Picture taken by CDD staff on 4/6/15.

Wetlands

The preservation of Lot 29 for wetland preservation, open space, and riparian habitat of Montana Creek was required as a condition of the rezoning (Ord. 2005-31: D-1 to D-3 (present zone)). This preservation allows wetlands within phases of the developing part of the overall subdivision to occur, as approved in 2005.

Habitat

Besides wetlands, there is no other habitat affected by phase 2B that is regulated by the Land Use Code.

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Access

Under the applicant's preferred design, Timberwolf Lane will be extended to Glacier Bear Boulevard and make a loop. This design is a major amendment to the original 2005 PUD subdivision layout (compare Attachment A to Attachment C) because it cuts off future road access to northern sections of the subdivision. The applicant submitted a narrative explaining this change (Attachment E). The design provided in Attachment F maintains the northward vehicular access per the 2005 PUD subdivision layout.

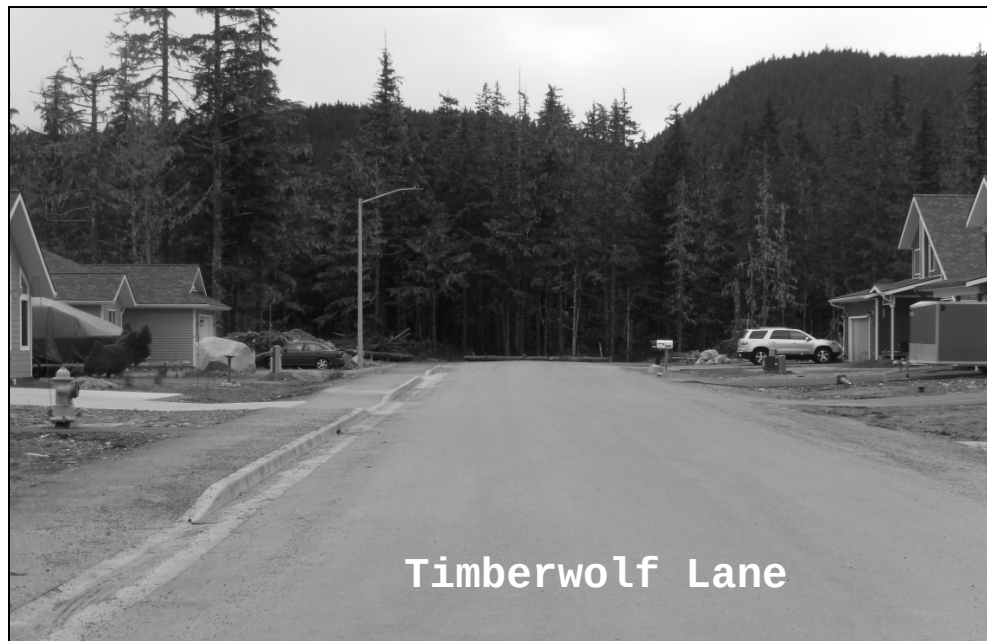


Figure 2: Looking west along Timberwolf Lane towards the future street extension. The sidewalk, street lights, and paved roadbed will continue with the new street section. Picture taken by CDD staff on 4/6/15.

As stated earlier, deviating from the original street design is a major amendment to the 2005 preliminary planned unit development plan. The original street design is provided in Attachment C. Below is an excerpt from SUB2005-48 memorandum explaining the street and pedestrian networks.

SUB2005-48 memorandum, Page 7

Pedestrian Circulation. The Montana Creek West PUD provides for pedestrian movement, as required in the PUD Code, by providing sidewalks along all of the streets in the development. While the final construction drawings for these improvements are not yet completed Roger Healy, CBJ City Engineer, has reviewed the initial proposal (See Attached Plan Illustrating Pedestrian Routes) and concurs that this alternative configuration will provide an adequate access, and recommends that the Planning Commission waive the requirement for two parallel sidewalks and

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adopt this pathway as the preferred alternate. **The 'Pedestrian Routes' illustration is Attachment C in the subject memorandum.**

Vehicular Circulation and Traffic. Each lot would be accessed via a public street built to current city standards. CBJ Streets Superintendent, Mike Scott; and CBJ Fire Marshal, Rich Etheridge; have both reviewed the proposed configuration and have found no problems with the street layout. The two access points provide an alternative route into the subdivision in the event that access is blocked at either one. While not shown on the current proposal it is the intent of the developer to dedicate a ROW on the Southwest corner of the development, to the adjacent Barrett parcel. As there is no development on this parcel at this time, staff recommends that the street not be built until the adjacent subdivision is constructed. Delaying the construction of the street will provide for greater flexibility in locating the ROW if it needs to be moved.

The applicant's preferred proposal prompted CDD staff to solicit comments from CBJ Capital City Fire and Rescue (CCF/R) Fire Marshal, Dan Jager, to ensure fire access and safety are met. Mr. Jager stated in an email that a second access point to Montana Creek Road is required per section D107.1 of 2009 International Fire Code. Mr. Jager's email can be read under Attachment G. In response to Mr. Jager's comments, the applicant submitted Attachment F which consists of a future access point along Montana Creek Road. This design meets local fire code and matches the 2005 preliminary subdivision design.

Traffic Analysis

There are two traffic design proposals: 1) Applicant's preferred design (Attachment A), and 2) 2005 PUD Subdivision design (Attachment F). Each consists of different pedestrian connections. Staff explains both proposals below.

Applicant's Preferred Design – Figure 3

Under the applicant's preferred design, all traffic in phases 1, 2A, and 2B will be restricted to one access point along Montana Creek Road. A second access point to Montana Creek Road will be made during future phases but will not be internally connected to phases 1, 2A, and 2B. This single access is insufficient for fire code, and therefore, the applicant submitted a design matching the 2005 PUD subdivision. Since the applicant will extend Timberwolf Lane (CBJ-maintained street), the street infrastructure will likely accommodate the residential traffic under the applicant's preferred design.

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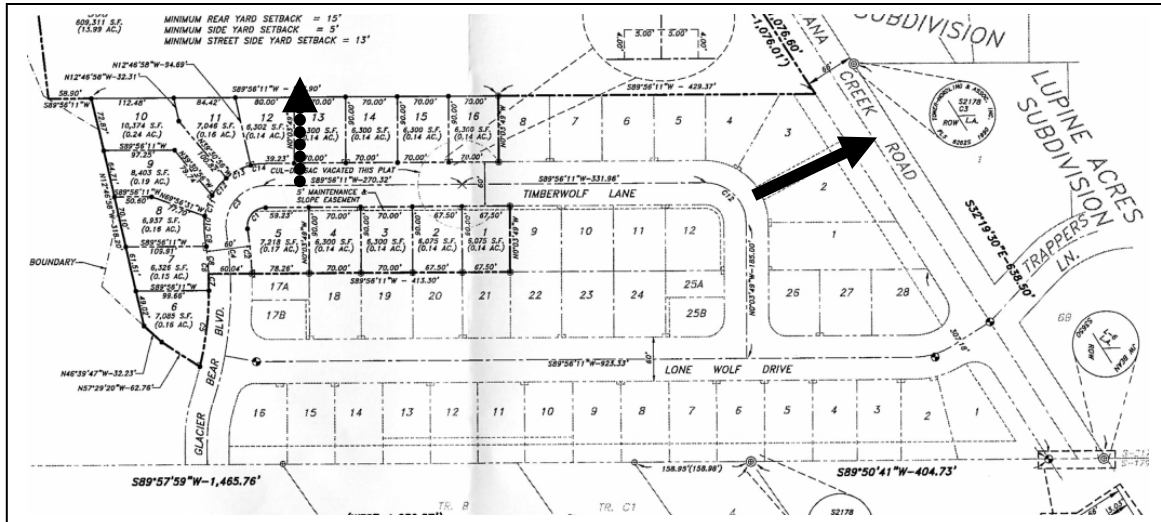


Figure 3: Applicant's preferred plan, showing Timberwolf Ln connecting to Glacier Bear Blvd to create a loop. Staff's recommended pedestrian pathway is shown as a dashed arrow; the applicant's pathway is shown as a solid arrow.

2005 PUD Subdivision Design – Figure 4

This design matches the 2005 PUD Subdivision design and provides vehicular connection throughout the subdivision and access to a second egress/ ingress to Montana Creek Road. An internal pedestrian sidewalk links all subdivision phases and a future park.

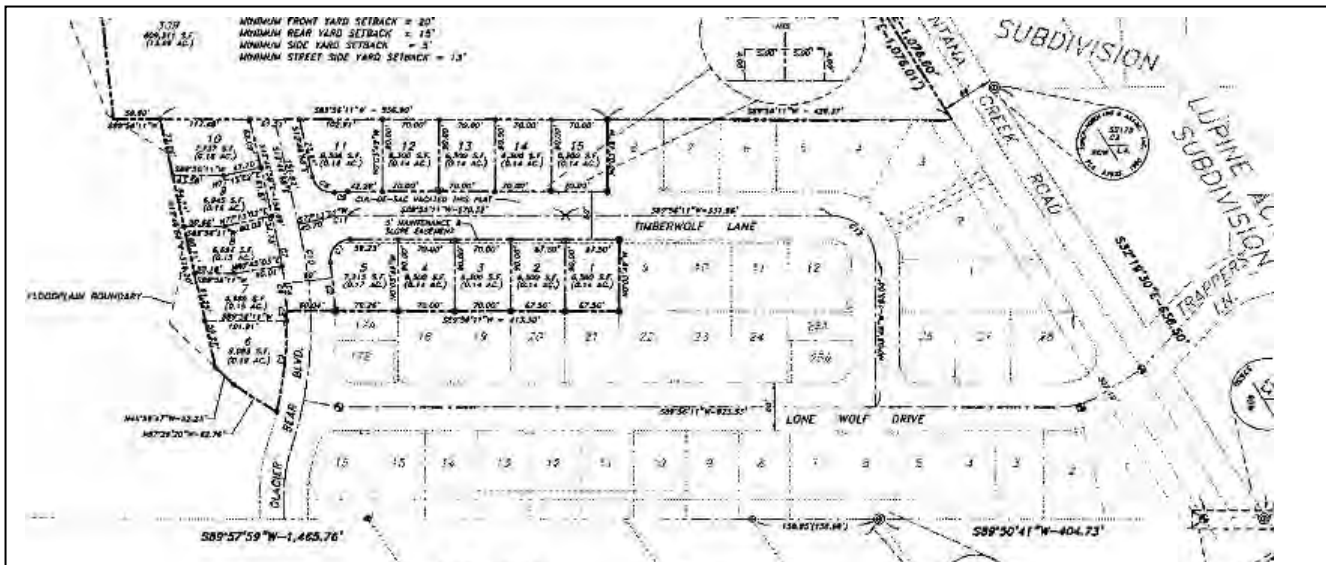


Figure 4: Street design of Phases 1 & 2 matching 2005 PUD subdivision layout.

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Pedestrian Access

In both the preferred and 2005 PUD subdivision designs, the existing five-foot wide sidewalk along Timberwolf Street will be continued to Glacier Bear Boulevard. From there, each of the designs differ.

Applicant's Preferred Design – (Attachment A)

With the looping of Timberwolf Lane into Glacier Bear Boulevard, there will no longer be an internal pedestrian linkage to the rest of the subdivision and future park. The sidewalk will be extended southward along the east side of Glacier Bear Boulevard. To ensure pedestrian connectivity is preserved, staff recommends a 10-foot wide paved pedestrian pathway be established between Lots 12 and 13. This pathway would be designed to be halved along the shared lot line and run the full depth and width of the two adjoining side yard setbacks. This would ensure the buildable areas on the two lots are not reduced. This idea is consistent with 49.35.610 *Walkways*. The applicant disagrees with staff's recommended pathway location and states that a connection would be better served by building a pathway over the existing drainage easement between Lots 2 and 3 near Montana Creek Road. This easement is shown in Attachment A. The applicant's narrative on this issue is provided in Attachment E.

Applicant's Sidewalk Plan (Attachment H)

The applicant's sidewalk plan establishes a sidewalk along the east side of Glacier Bear Boulevard. This provides additional pedestrian connections, but it requires multiple crosswalks to other sidewalks.

2005 PUD Sidewalk Design (Attachment C)

The 2005 sidewalk plan provides few street crossings throughout the entire subdivision and links to both access points along Montana Creek Road. The applicant's preferred sidewalk plan is shorter and less expensive than the 2005 PUD sidewalk plan. However, it is less safe because it requires pedestrians to cross more streets to reach other parts of the subdivision and future park.

ADOPTED PLANS

2013 Comprehensive Plan

The Comprehensive Plan provides a 20-year outlook on how the community should be developed, preserved, or maintained. The Plan designates areas of land for general uses. The Comprehensive Plan designates the subject neighborhood as Urban Low Density Residential (ULDR), which is defined as urban or suburban lands with detached and attached single family residences, bungalow housing, etc. at densities of 1-6 units per acre. Commercial uses are allowed but should be at a residential scale. The project will continue the construction of single family homes at a density up to three units per acre. The project is consistent with the ULDR land designation.

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The Comprehensive Plan recommends many policies pertaining to the need for more housing opportunities for the community due to a severe housing shortage. The following policies of the Comprehensive Plan are germane to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. Page 37.

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. Page 129

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. Page 130.

The proposal will provide for more residential development in an area with public utilities in a PUD that allows flexible lot configurations. The proposal is consistent with the Comprehensive Plan.

2009 Non-Motorized Transportation Plan

The goal of this Plan is to promote active transportation by guiding development of a community wide bicycle and pedestrian network that can be used by all Juneau residents. The Plan acts as a design guideline that recommends pedestrian amenities for existing and future development.

Though the Plan does not specifically mention Montana Creek West subdivision or Lone Wolf Drive, it does state the following safety measures germane to the proposal:

- Sidewalks to be at least five wide with curb cuts or ramps at intersections w/ tactile warning
- Narrower travel lanes to shorten the pedestrian crossing distance and slow traffic
- Additional street lights to increase visibility of pedestrians and bicyclists
- Tighten corner curb radii to slow traffic, shorten pedestrian crossing distances and provide space for perpendicular curb ramps
- Crosswalks that are easy to see and last a long time. Continental or ladder style crosswalks are marked with thick white lines perpendicular to the direction of travel, are easy to see and long lasting.

Applicant's Preferred Street Design (Attachment A)

As stated earlier, the applicant's preferred design does not provide internal pedestrian access to the north. This decreases pedestrian connectivity within the subdivision and lessens connections to the future park within the subdivision. Therefore, the applicant's preferred design does not meet

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the goals of the Non-Motorized Transportation Plan.

Applicant's Sidewalk Plan (Attachment H)

The applicant's sidewalk plan established a sidewalk along the east side of Glacier Bear Boulevard. This provides additional pedestrian connections, but it requires multiple crosswalks to other sidewalks.

2005 PUD Sidewalk Design (Attachment C)

The 2005 PUD sidewalk plan provides the most sidewalk connectivity and fewest street crossings, compared to the applicant's preferred designs. Therefore, the 2005 PUD design meets the goal of the Non-Motorized Transportation Plan.

The applicant's preferred street design and sidewalk design are not consistent with adopted plans. The 2005 PUD subdivision and sidewalk designs are consistent with the adopted plans.

The applicant provided additional documents toward the closing of this memorandum. Staff did not have time to fully address these comments in the subject report. These comments are provided in Attachment I.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,

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3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.300 (e)(1)(A through C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. A Planned Unit Development is permitted in the D-3 zoning district, according to 49.15.610(a).

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed subdivision complies with the other requirements of this chapter. Public notice of this project was provided in the May 29th and June 8th 2015 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

4. Will the proposed development materially endanger the public health or safety?

Applicant's Preferred Street and Sidewalk Designs

Yes. According to the CCF/R Fire Marshal, Dan Jager, the applicant's preferred design does not meet current fire code because a street connection to an additional access point for this phase is required. The applicant's sidewalk design requires multiple street crossings and can increase pedestrian injury.

2005 PUD Subdivision Design

No. The 2005 PUD design will not materially endanger the public health or safety because it meets local fire code with future connections to a second access point.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. The proposed lots are similar in size and dimensions of those existing and will not result in substantially decreasing the value of or be out of harmony with property in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Planning Commission
File No.: SMP2015 0004
June 1, 2015
Page 14 of 14

Applicant's Preferred Street and Sidewalk Designs

No. The applicant's preferred design does not conform to the goals of the Non-Motorized Transportation Plan because pedestrian connectivity is decreased for residents within the subdivision and to the future park.

2005 PUD Subdivision Design

Yes. The 2005 PUD street and sidewalk design meet the goal of the Non-Motorized Transportation Plan and Comprehensive Plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. With the preservation of Lot 29 for wetland habitat, the remaining part of the subdivision is allowed to be developed, according to the original subdivision approval (SUB2005-00048).

RECOMMENDATION

Applicant's Preferred Street & Sidewalk Designs

Staff recommends that the Planning Commission adopt the Director's analysis and findings and deny the requested Preliminary Plat permit because it does not meet all findings.

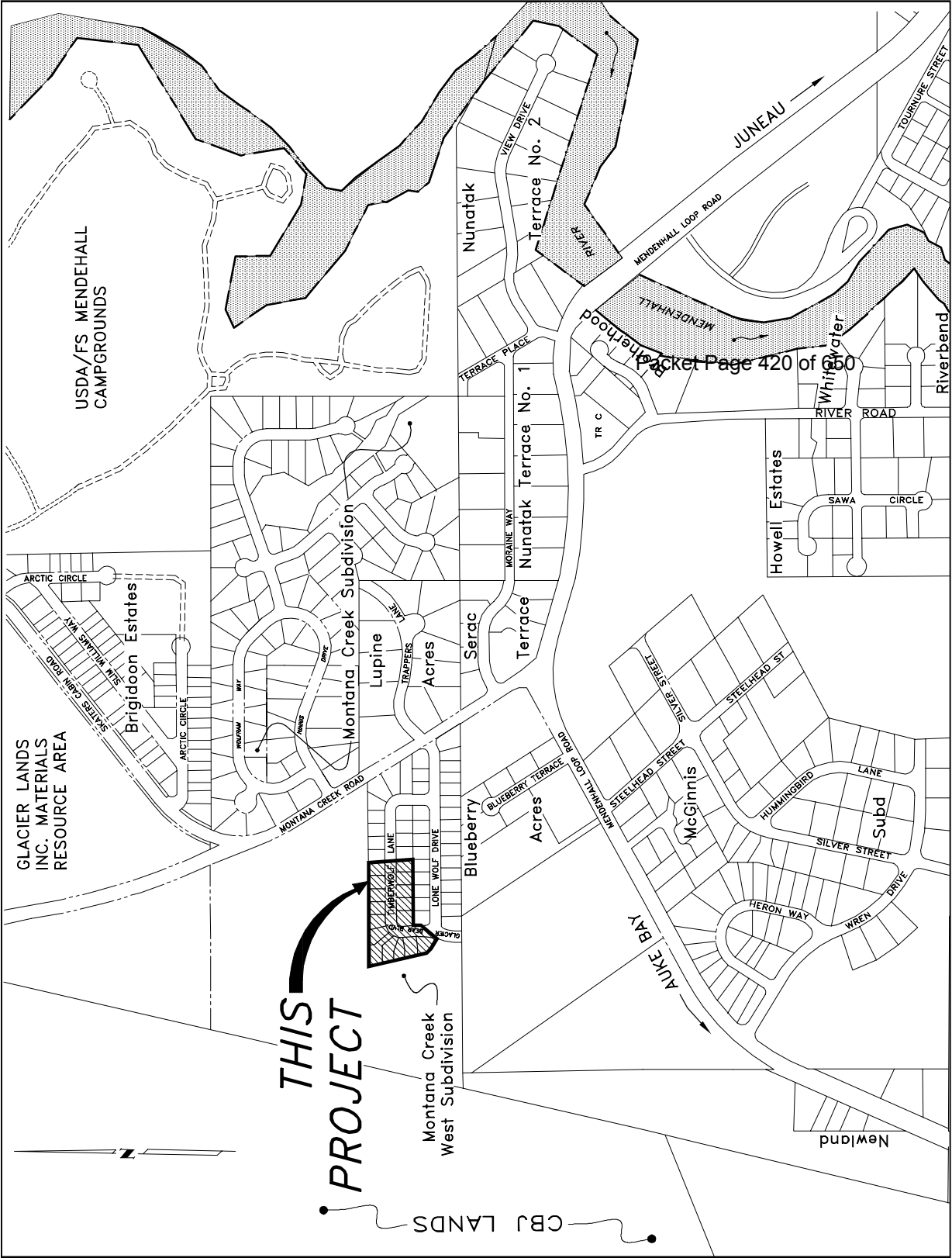
2005 PUD Subdivision Design

Staff recommends approval of the 2005 PUD street and sidewalk design, and the conditions stated in the SUB2005-00048 notice of decision.

SYMBOLS

EXISTING	PROPOSED
	PRIMARY MONUMENT BY OTHERS (RECOVERED)
	SECONDARY MONUMENT BY OTHERS (RECOVERED)
	C.L. SPIKE MON. TO BE SET AFTER PAVING
	PROPERTY / BOUNDARY LINE
	PROJECT BASELINE
	SANITARY SEWER MANHOLE
	SANITARY SEWER LINE
	SANITARY SEWER ENCASEMENT
	RIGID INSULATION CBJ. STD. DET. NO. 412
	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
	CONCRETE HEADWALL
	CURB AND GUTTER
	DRIVEWAY CURB CUT
	WATER LINE
	WATER VALVE
	FIRE HYDRANT
	STREET LIGHT
	TRAFFIC CONTROL SIGN
	TOP OF BANK/SHOULDER (HATCHURES POINT DOWNSLOPE)
	CUT SLOPE LIMITS
	FILL SLOPE LIMITS
	SAW-CUT LINE
	DITCH
	ROCK LINED DRAINAGE WAY
	EROSION CONTROL BARRIER
	SILT FENCE
	CONTOUR LINES
	KETTLE PONDS
	EASEMENT LINES
ABBREVIATIONS	
AD AREA DRAIN	NFS NON-FROST SUSCEPTIBLE
A.C. ASPHALT CONCRETE	N/S NOT TO SCALE
APPROX. APPROXIMATE	PC POINT OF CURVATURE
BOP BEGINNING OF PROJECT	PL PROPERTY LINE
CB CATCH BASIN	PT POINT OF TANGENT
CBJ CITY & BOROUGH OF JUNEAU	PVC POLYVINYL CHLORIDE PIPE
CL CENTERLINE	R RADIUS
CMP CORRUGATED METAL PIPE	RT. RIGHT
CPE CORRUGATED POLYETHYLENE PIPE	SDMH STORM DRAIN MANHOLE
CTE CONNECT TO EXISTING	SSMH SANITARY SEWER MANHOLE
DI DUCTILE IRON	STD. STANDARD
DIA DIAMETER	STD. STANDARD
EAS'MT. EASEMENT	TOP TOP OF PIPE
EL. ELEVATION	TRANS. TRANSFORMER
EOP END OF PROJECT	TYP. TYPICAL
EXIST. EXISTING	VC VERTICAL CURVE
G.V. GATE VALVE	
I.E. INVERT ELEVATION	
INV. INVERT	
L.F. LINEAR FEET	
L.T. LEFT	
MAX. MAXIMUM	
MIN. MINIMUM	
MTE MATCH TO EXISTING	

CONSTRUCTION IMPROVEMENT PLANS
FOR
MONTANA CREEK WEST
PHASE 2B
PLANNED UNIT DEVELOPEMENT
CITY & BOROUGH OF JUNEAU, ALASKA



LOCATION MAP



SHEET INDEX

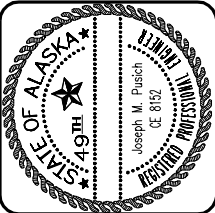
SHEET	DESCRIPTION
C1	COVER SHEET
C2	EXISTING TOPOGRAPHIC MAP
C3	CONSTRUCTION DETAILS TYPICAL ROADWAY SECTION, GENERAL CONSTRUCTION NOTES, STANDARD DETAIL TABLE
C4	SURVEY CONTROL DIAGRAM
C5	PLAN VIEW STA 'A' 10+00 TO STA 'A' 12+57
C6	PLAN VIEW STA 'A' 12+57 TO STA 'A' 14+39 STA 'B' 10+00 TO STA 'B' 11+45
C7	PLAN VIEW STA 'B' 11+45 TO STA 'A' 13+13
C8	ROADWAY PROFILE
C9	SUBDIVISION GRADING PLAN
C10	EROSION CONTROL PLAN, DETAILS

ATTACHMENT A

DESIGN	JMP
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FILE	L-XXX

NO.	DATE	REVISION	BY	APPROV.

COVER SHEET



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ENGINEERS
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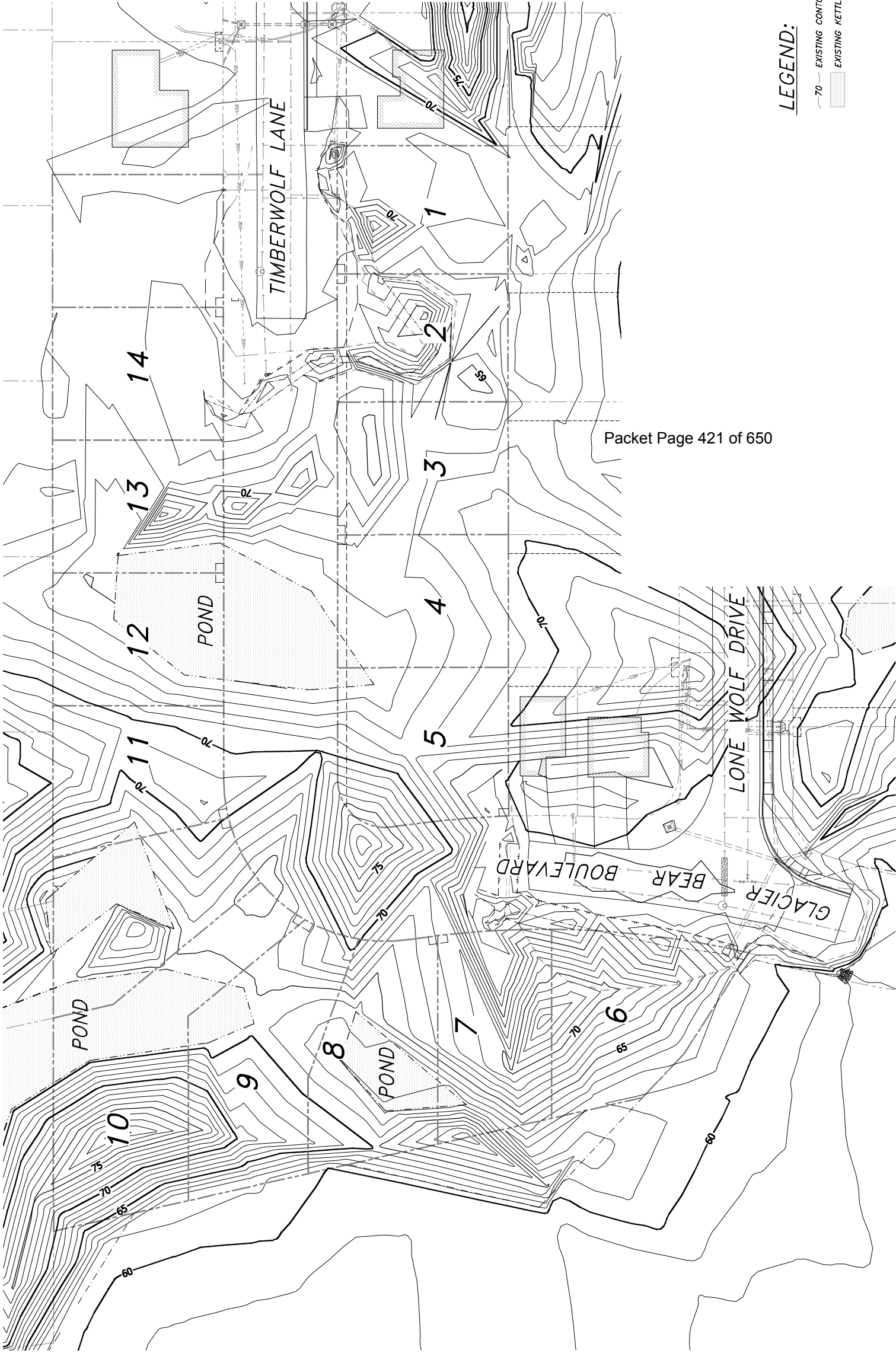
**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA

CLIENT: BICKNELL, INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

C1

SHEET
1 OF 10



LEGEND:

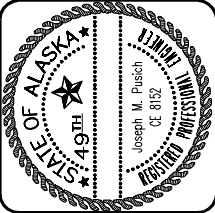
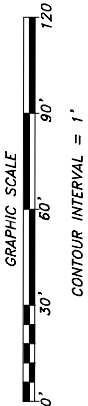
- 70- EXISTING CONTOURS
- EXISTING KETTLE PONDS

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DESIGN	JMP
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FILE	L-XXX

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EXISTING TOPOGRAPHIC MAP



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**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU ALASKA

CLIENT: BICKNELL INCORPORATED
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JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

C2

SHEET 2 OF 10

ΣΠΕΡΜΑΤΟΖΩΑ

-
- The diagram illustrates a road cross-section with the following components and dimensions:
- ROADWAY:** The main travel surface, indicated by a dashed center line.
 - DRAINAGE SWALE:** Two rectangular swales are shown on either side of the roadway. Each has a width of 8' and a radius of $R=10'$ at its outer edge.
 - JUTE MESH BLANKET:** A 4' wide by 8' long blanket is placed over each drainage swale.
 - SHOULDER:** A 2' wide shoulder is located on the outer edge of the drainage swale.
 - EDGE OF PAVEMENT:** The outer boundary of the road surface.
 - FLOW-LINE:** A dashed line indicating the path of water flow from the roadway into the drainage swales.
 - DRIVEWAY WIDTH PER CBJ STANDARD:** A dimension line indicating the width of the driveway area.

PROFILE VIEW

Diagram illustrating the profile view of a road cross-section, showing various layers and dimensions:

- 2-1/2" A.C. PAVEMENT**: The top layer of the road surface.
- EDGE OF PAVED ROADWAY**: The boundary of the paved area.
- DRIVEWAY SLOPE @ 2%**: The slope of the driveway.
- DRAINAGE SWALE**: A shallow ditch for water drainage.
- 2-1/2" A.C. PAVEMENT**: The top layer of the road surface.
- 9" OF 2"-MINUS CAPPED WITH D-1**: A layer of 2-inch minus material capped with D-1.
- NFS GRANULAR SUB-BASE COMPACTED TO 95% OF MAX. DENSITY, MIN. DEPTH SHALL BE 2.5'**: The granular sub-base layer.
- 3%**: The slope of the sub-base layer.
- 8'**: The width of the paved roadway.
- 2'**: The width of the drainage swale.

DRIVEWAY DRAINAGE SWALE

Packet Page 422 of 650

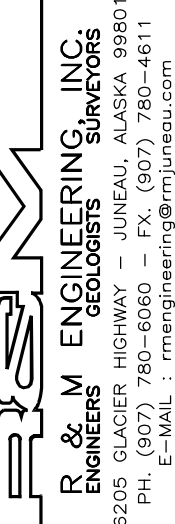
NOTE:
STORM DRAIN LATERALS
NOT SHOWN FOR CLARITY

SUBGRADE NOTE
IN AREAS OF EXCAVATION THAT EXHIBIT STANDING GROUND WATER,
"STABLERS POINT QUARRY" ROCK SHALL BE SUBSTITUTED FOR A
MINIMUM DEPTH OF 24" ABOVE GROUND WATER LEVEL AS DIRECTED
BY C.B.J. ENGINEERING.

IN AREAS OF EXCAVATION THAT EXHIBIT STANDING GROUND WATER, STABLERS POINT QUARRY" ROCK SHALL BE SUBSTITUTED FOR A MINIMUM DEPTH OF 24" ABOVE GROUND WATER LEVEL AS DIRECTED BY C.B.J. ENGINEERING.

TYPICAL ROADWAY SECTION

CONSTRUCTION DETAILS
TYPICAL ROADWAY SECTION
GENERAL CONSTRUCTION NOTES
STANDARD DETAIL TABLE



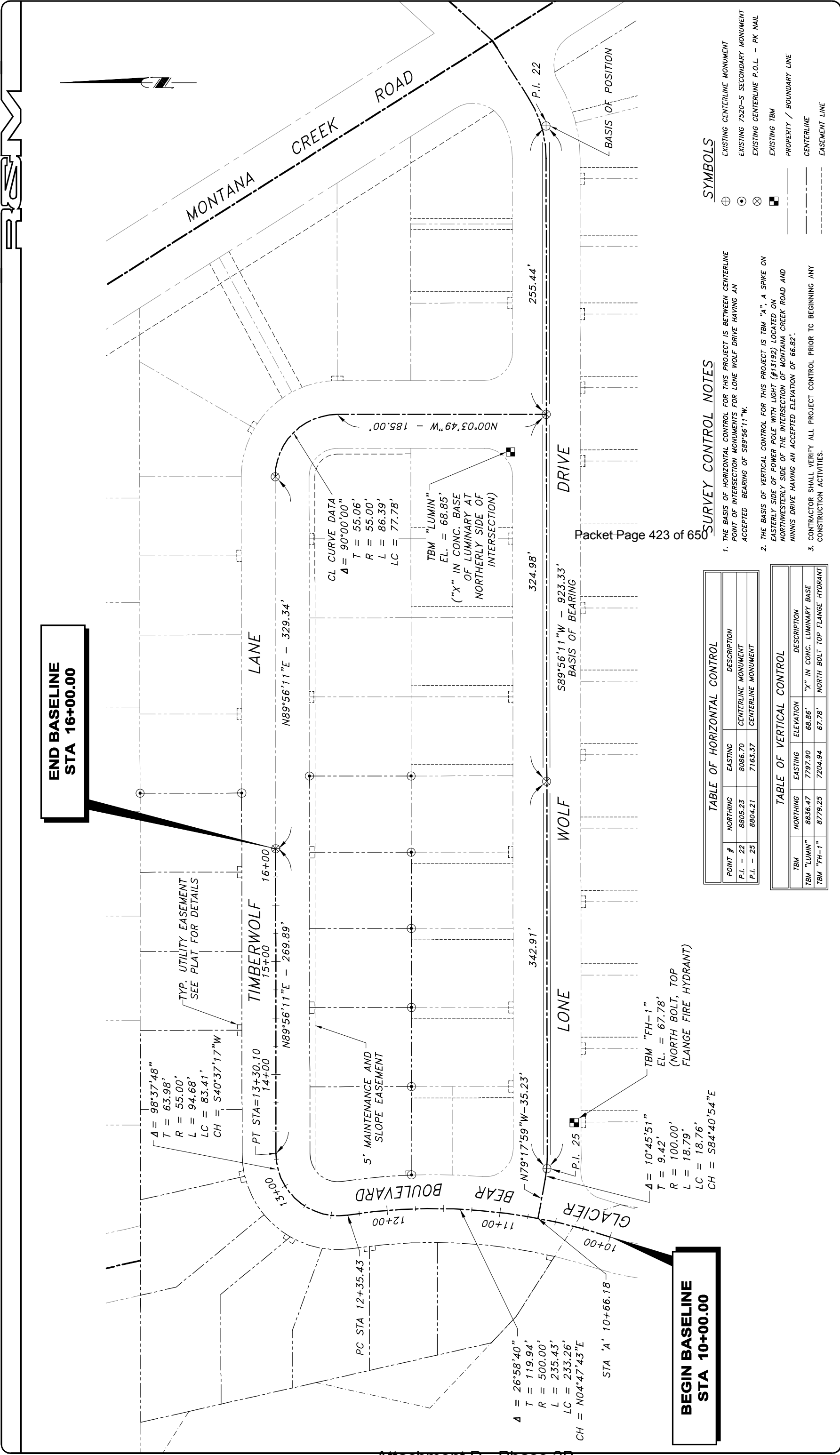
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU _____, ALAS

CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

3

SHEET 3 OF 10



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TABLE OF HORIZONTAL CONTROL			
POINT #	NORTHING	EASTING	DESCRIPTION
P.I. - 22	8805.23	8086.70	CENTERLINE MONUMENT
P.I. - 25	8804.21	7163.37	CENTERLINE MONUMENT

TABLE OF VERTICAL CONTROL			
TBM	NORTHING	EASTING	ELEVATION
TBM "LUMIN"	8836.47	7797.90	68.86'
TBM "FH-1"	8779.25	7204.94	67.78'

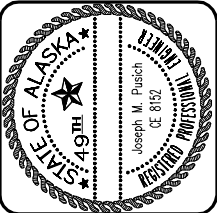
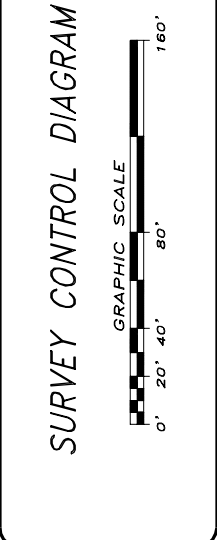
- SURVEY CONTROL NOTES**
- THE BASIS OF HORIZONTAL CONTROL FOR THIS PROJECT IS BETWEEN CENTERLINE POINT OF INTERSECTION MONUMENTS FOR LONE WOLF DRIVE HAVING AN ACCEPTED BEARING OF S89°56'11"W.
 - THE BASIS OF VERTICAL CONTROL FOR THIS PROJECT IS TBM "A", A SPIKE ON EASTERLY SIDE OF POWER POLE WITH LIGHT (#13192) LOCATED ON NORTHWESTERLY SIDE OF THE INTERSECTION OF MONTANA CREEK ROAD AND NINNIS DRIVE HAVING AN ACCEPTED ELEVATION OF 66.82'.
 - CONTRACTOR SHALL VERIFY ALL PROJECT CONTROL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES.

SYMBOLS

- EXISTING CENTERLINE MONUMENT
- EXISTING 7520-S SECONDARY MONUMENT
- EXISTING CENTERLINE P.O.L. - PK NAIL
- EXISTING TBM
- PROPERTY / BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE

DESIGN	JMP
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FILE	L-XXX

NO.	DATE	REVISION	BY	APPROV.



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**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA

STORM DRAIN PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
P-1	12"	18'	CPP	1.00%
P-2	18"	109'	CPP	1.00%
P-3	12"	47'	CPP	1.00%
P-4	18"	36'	CPP	1.00%
P-5	12"	14'	CPP	1.00%
P-6	18"	97'	CPP	1.00%
P-7	12"	14'	CPP	1.00%
P-8	12"	38'	CPP	1.00%
P-9	12"	47'	CPP	1.00%
P-10	18"	147'	CPP	1.00%
P-11	12"	14'	CPP	1.00%
P-12	12"	34'	CPP	1.00%
P-13	18"	140'	CPP	1.00%
P-14	12"	14'	CPP	1.00%
P-15	12"	34'	CPP	1.00%

NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.

S-1	CB TYPE-IV	XX' RT.
STA.XX+XX		
GRATE FL EL=		XX
P-1 I.E.=		XX
EXIST. 18" CPP I.E.=		XX
SUMP=	16" MIN.	

S-2	CB TYPE-III	XX' RT.
STA.XX+XX		
GRATE FL EL=		XX
P-1 I.E.=		XX
6" CPP I.E.=		XX
SUMP=	16" MIN.	

S-3	(EXIST.)	
STA.XX+XX	XX' RT.	XX
GRATE FL EL=		XX
P-3 I.E.=		XX
EXIST. 18" CPP I.E.=		XX
EXIST. 18" CPP I.E.=		XX
SUMP=	16" MIN.	

S-4	SDMH TYPE-I	
STA.XX+XX	XX' RT.	XX
GRATE FL EL=		XX
P-2 I.E.=		XX
P-3 I.E.=		XX
P-4 I.E.=		XX
SUMP=	16" MIN.	

S-5	CB TYPE-III	XX' RT.
STA.XX+XX		
GRATE FL EL=		XX
P-3 I.E.=		XX
6" CPP I.E.=		XX
6" CPP I.E.=		XX
SUMP=	16" MIN.	

S-6	SDMH TYPE-I	XX' RT.
STA.XX+XX		
GRATE FL EL=		XX
P-4 I.E.=		XX
P-5 I.E.=		XX
P-6 I.E.=		XX
SUMP=	16" MIN.	

S-7	CB TYPE-III	XX' RT.
STA.XX+XX		
GRATE FL EL=		XX
P-4 I.E.=		XX
SUMP=	16" MIN.	

SANITARY SEWER PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
SP-1	8"	150'	PVC	1.00%
SP-2	8"	261'	PVC	1.00%

NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.

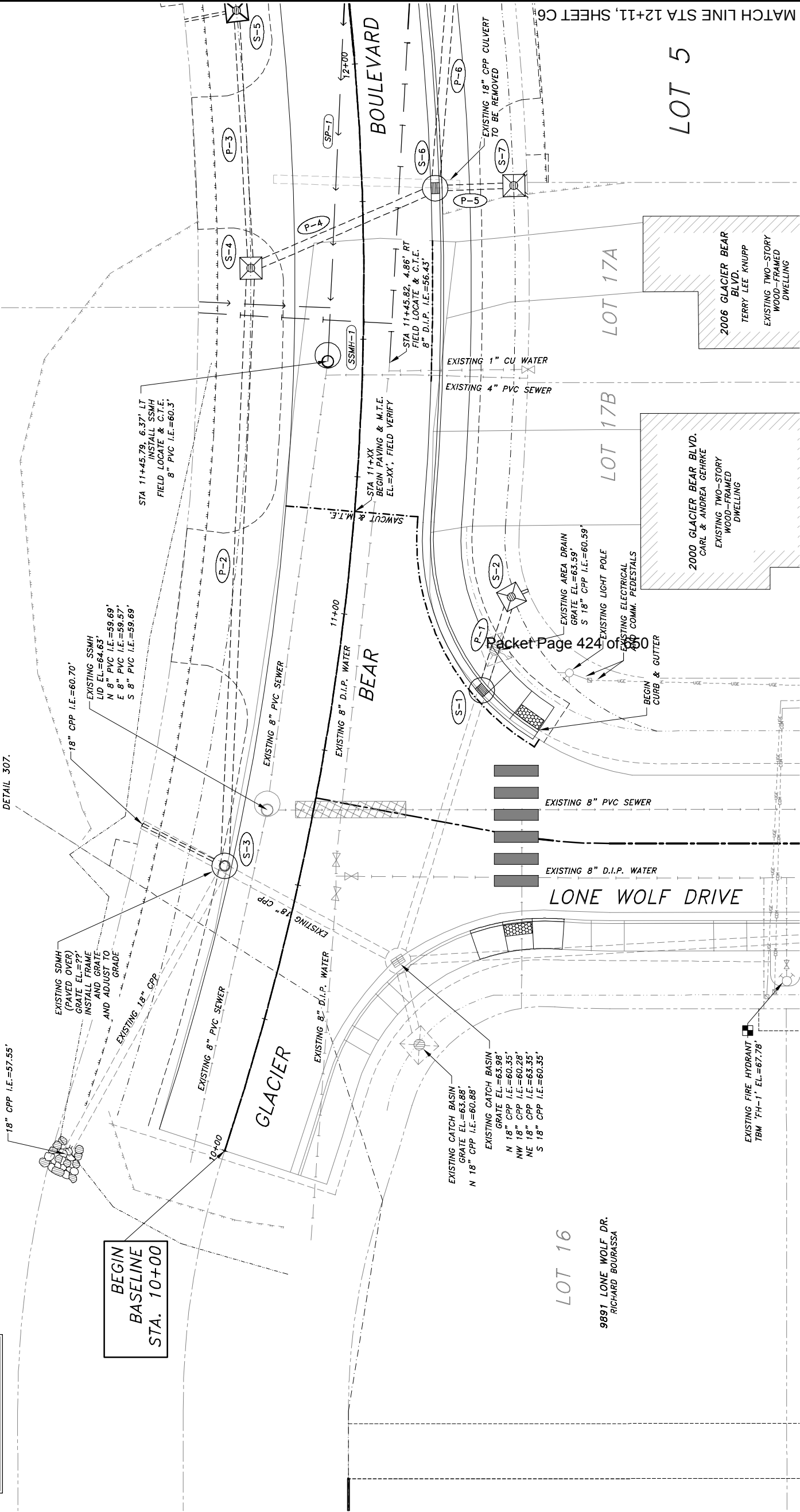
SSMH-1	TYPE-I MH	XX' RT.
STA.XX+XX.00		
LID EL=		XX'
EXIST. 8" PVC EL=		XX'
SP-1 I.E.=		XX'

DIAL BEFORE YOU DIG!
586-1333
U/G POWER, TELEPHONE & T.V. SHOWN ON THIS DRAWING INDICATE EXISTENCE ONLY AND DO NOT SUBSTITUTE FOR FIELD LOCATES

SPECIAL NOTE:
RIGHT-OF-WAY LINES MUST BE STAKED PRIOR TO INSTALLATION OF WATER VALVE BOXES.

CONSTRUCTION NOTES:
WATER SERVICE CURB BOXES AND SANITARY SEWER SERVICE CLEANOUTS SHALL BE 3' MIN. FROM COMMON LOT LINES AND/OR UTILITY EASEMENT BOUNDARIES.

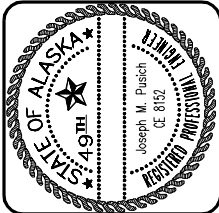
- DRIVEWAY NOTES:
1. DRIVEWAYS INDICATED ARE LOCATED AT CENTER OF EACH LOT. IF POSITIONED DIFFERENTLY, APPROPRIATE MODIFICATIONS TO SWALE ELEVATIONS WILL BE REQUIRED.
 2. CONSTRUCT CURB CUTS PER C.B.J. STANDARD DETAIL 105 FOR LOTS 9,10,11 AND 12.
- CONSTRUCTION NOTES:
1. RIGID INSULATION TO BE USED AT WATER MAIN AND STORM DRAIN CROSSINGS PER CBJ STANDARD DETAIL 412.
 2. STORM DRAIN PIPE BEDDING TO BE TYPE 4 BEDDING MATERIAL.
 3. MAINTAIN 9' JOINT SEPERATION AT PIPE CROSSINGS.
 4. MARK AND CAP STORM SEWER SERVICES PER CBJ STANDARD DETAIL 307.



DESIGN JMP
DRAWN JAG
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APPROVED _____
FILE: L-XXX

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PLAN VIEW
STA 10+00 to STA 12+11



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**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU _____, ALASKA
CLIENT: BICKNELL, INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

C5

SHEET
5 OF 10

STORM DRAIN PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
P-1	12"	18"	CPP	1.00%
P-2	18"	109'	CPP	1.00%
P-3	12"	47'	CPP	1.00%
P-4	18"	36'	CPP	1.00%
P-5	12"	14"	CPP	1.00%
P-6	18"	97'	CPP	1.00%
P-7	12"	14"	CPP	1.00%
P-8	12"	38'	CPP	1.00%
P-9	12"	47'	CPP	1.00%
P-10	18"	147'	CPP	1.00%
P-11	12"	14"	CPP	1.00%
P-12	12"	34'	CPP	1.00%
P-13	18"	140'	CPP	1.00%
P-14	12"	14"	CPP	1.00%
P-15	12"	34'	CPP	1.00%
NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.				

S-8 SDMH TYPE-I		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
P-6 I.E.=	XX	
P-7 I.E.=	XX	
P-8 I.E.=	XX	
P-9 I.E.=	XX	
P-10 I.E.=	XX	
6" CP I.E.=	XX	
SUMP=	16" MIN.	

S-9 CB TYPE-III		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
P-7 I.E.=	XX	
SUMP=	16" MIN.	

S-10 CB TYPE-III		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
6" PVC I.E.=	XX	
6" PVC I.E.=	XX	
SUMP=	16" MIN.	

S-11 CB TYPE-III		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
P-9 I.E.=	XX	
6" PVC I.E.=	XX	
6" PVC I.E.=	XX	
SUMP=	16" MIN.	

S-12 SDMH TYPE-I		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
P-10 I.E.=	XX	
P-11 I.E.=	XX	
P-12 I.E.=	XX	
P-13 I.E.=	XX	
SUMP=	16" MIN.	

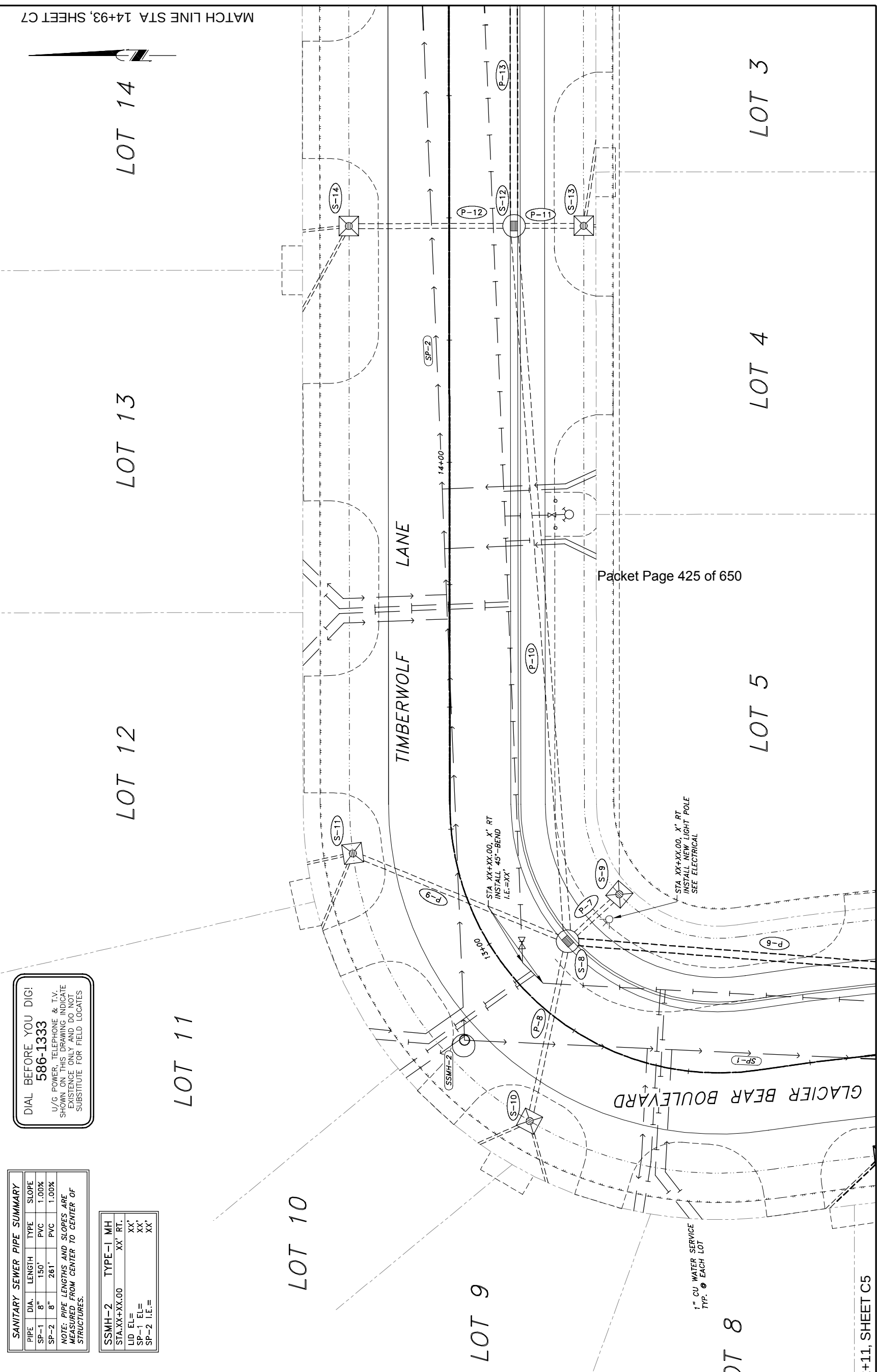
S-13 CB TYPE-III		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
P-11 I.E.=	XX	
6" PVC I.E.=	XX	
6" PVC I.E.=	XX	
SUMP=	16" MIN.	

S-14 CB TYPE-III		
STA.XX+XX	XX' RT.	
GRATE FL EL=	XX	
P-12 I.E.=	XX	
6" PVC I.E.=	XX	
6" PVC I.E.=	XX	
SUMP=	16" MIN.	

SANITARY SEWER PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
SP-1	8"	150'	PVC	1.00%
SP-2	8"	261'	PVC	1.00%
NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.				

SSMH-2 TYPE-I MH		
STA.XX+XX.00	XX' RT.	
LID EL=	XX'	
SP-1 I.E.=	XX'	
SP-2 I.E.=	XX'	

DIAL BEFORE YOU DIG!
586-1333
U/G POWER, TELEPHONE & TV,
SHOWN ON THIS DRAWING INDICATE
EXISTENCE ONLY AND DO NOT
SUBSTITUTE FOR FIELD LOCATES



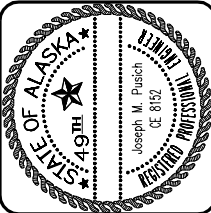
MATCH LINE STA 12+11, SHEET C5

DESIGN	JMP
DRAWN	JAG
CHECK	JMP
APPROVED	
FILE	L-XXX

NO.	DATE	REVISION	BY
			APRVD.

PLAN VIEW
STA 12+11 to STA 14+93

GRAPHIC SCALE
0' 10' 20' 30' 40'



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MONTANA CREEK WEST
PHASE 2B
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU ALASKA

CLIENT: BICKNELL, INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

C6

SHEET
6 OF **10**

DIAL BEFORE YOU DIG!
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U/G POWER, TELEPHONE & T.V.
SHOWN ON THIS DRAWING INDICATE
EXISTENCE ONLY AND DO NOT
SUBSTITUTE FOR FIELD LOCATES

LOT
14

LOT 15

LOT 16

LOT 8

LOT 7

1050 TIMBERWOLF LANE
MICHAEL & AMANDA LOVEJOY
EXISTING TWO-STORY
WOOD-FRAMED
DWELLING

1049 TIMBERWOLF LANE
EDWARD & DANIELLE DUNIVIN
EXISTING TWO-STORY
WOOD-FRAMED
DWELLING

MATCH LINE STA 14+93, SHEET C6

END
BASELINE
STA. 16+00

LOT 3

LOT 2

LOT 1

LOT 9

LOT 10

LANE

TIMBERWOLF

Packet Page 426 of 650

SANITARY SEWER PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
SP-1	8"	150'	PVC	1.00%
SP-2	8"	261'	PVC	1.00%

NOTE: PIPE LENGTHS AND SLOPES ARE
MEASURED FROM CENTER TO CENTER OF
STRUCTURES.

STORM DRAIN PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
P-1	12"	18'	CPP	1.00%
P-2	18"	109'	CPP	1.00%
P-3	12"	47'	CPP	1.00%
P-4	18"	36'	CPP	1.00%
P-5	12"	14'	CPP	1.00%
P-6	18"	97'	CPP	1.00%
P-7	12"	14'	CPP	1.00%
P-8	12"	38'	CPP	1.00%
P-9	12"	47'	CPP	1.00%
P-10	18"	147'	CPP	1.00%
P-11	12"	14'	CPP	1.00%
P-12	12"	34'	CPP	1.00%
P-13	18"	140'	CPP	1.00%
P-14	12"	14'	CPP	1.00%
P-15	12"	34'	CPP	1.00%

NOTE: PIPE LENGTHS AND SLOPES ARE
MEASURED FROM CENTER TO CENTER OF
STRUCTURES.

S-15 CB TYPE-I		
STA.XX+XX	XX' RT.	XX
GRATE FL EL=		XX
P-13 I.E.=		XX
P-14 I.E.=		XX
P-15 I.E.=		XX
SUMP=		16" MIN.

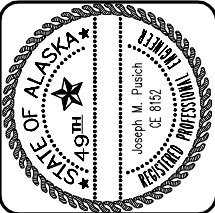
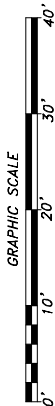
S-16 CB TYPE-III		
STA.XX+XX	XX' RT.	XX
GRATE FL EL=		XX
P-14 I.E.=		XX
6" PVC I.E.=		XX
6" PVC I.E.=		XX
SUMP=		16" MIN.

S-17 CB TYPE-III		
STA.XX+XX	XX' RT.	XX
GRATE FL EL=		XX
P-15 I.E.=		XX
6" PVC I.E.=		XX
6" PVC I.E.=		XX
SUMP=		16" MIN.

DESIGN JMP
DRAWN JAG
CHECK JMP
APPROVED
FILE: L-XXX

NO. DATE REVISION BY APPROV.

PLAN VIEW
STA 14+93 to STA 16+00



R & M ENGINEERING, INC.
ENGINEERS
GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL : rmengineering@rmjuneau.com

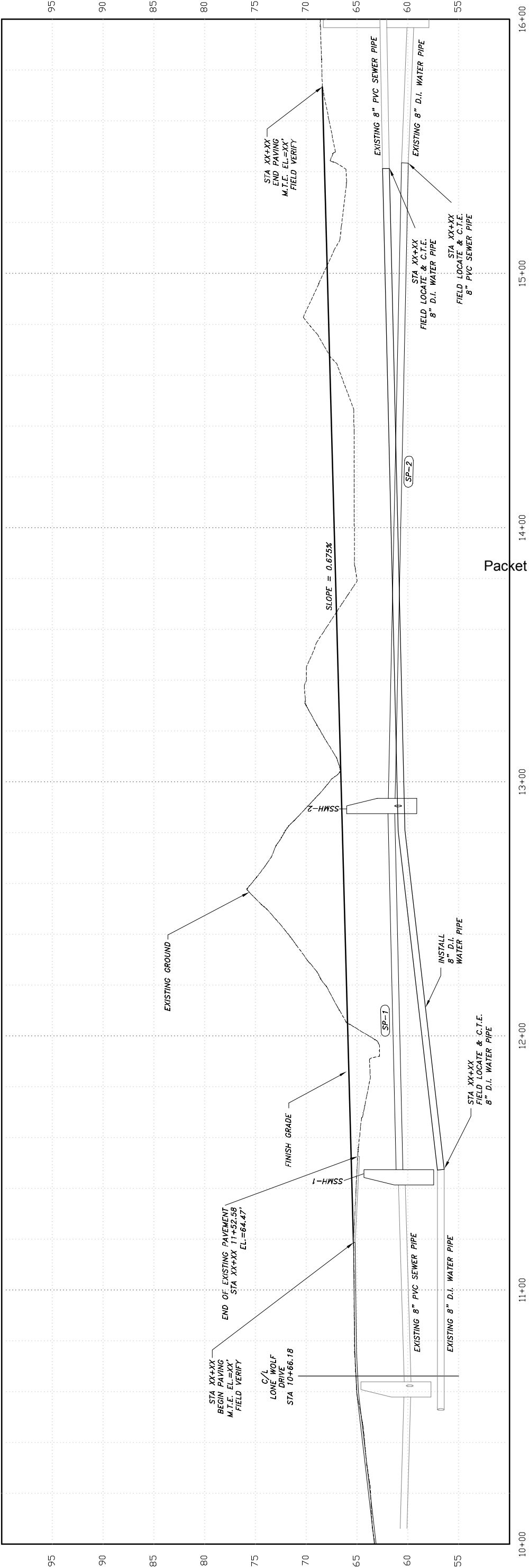
**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU ALASKA

CLIENT: BICKNELL, INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

C7

SHEET
7 OF 10



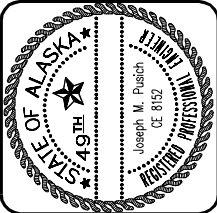
ROADWAY PROFILE

Packet Page 427 of 650

DESIGN	JMP
DRAWN	JAG
CHECK	JMP
APPROVED	
FILE	L-XXX

NO.	DATE	REVISION	BY	APPROV.

ROADWAY PROFILE

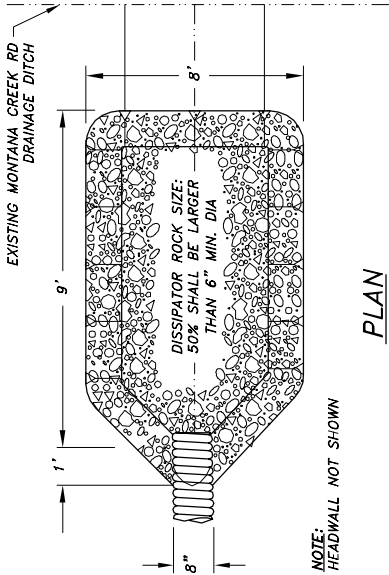


R&M ENGINEERING, INC.
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GEOLOGISTS
SURVEYORS

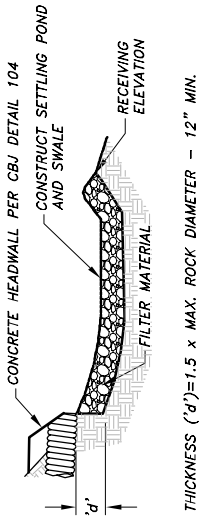
MONTANA CREEK WEST
PHASE 2B
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA

CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803



PLAN

- NOTES:
1. LENGTH OF ROCK APRON SHALL BE OF SUFFICIENT LENGTH TO DISSIPATE ENERGY.
 2. FILTER MATERIAL SHALL BE FILTER FABRIC UNDER 6" THICK MINIMUM GRADED GRAVEL LAYER.

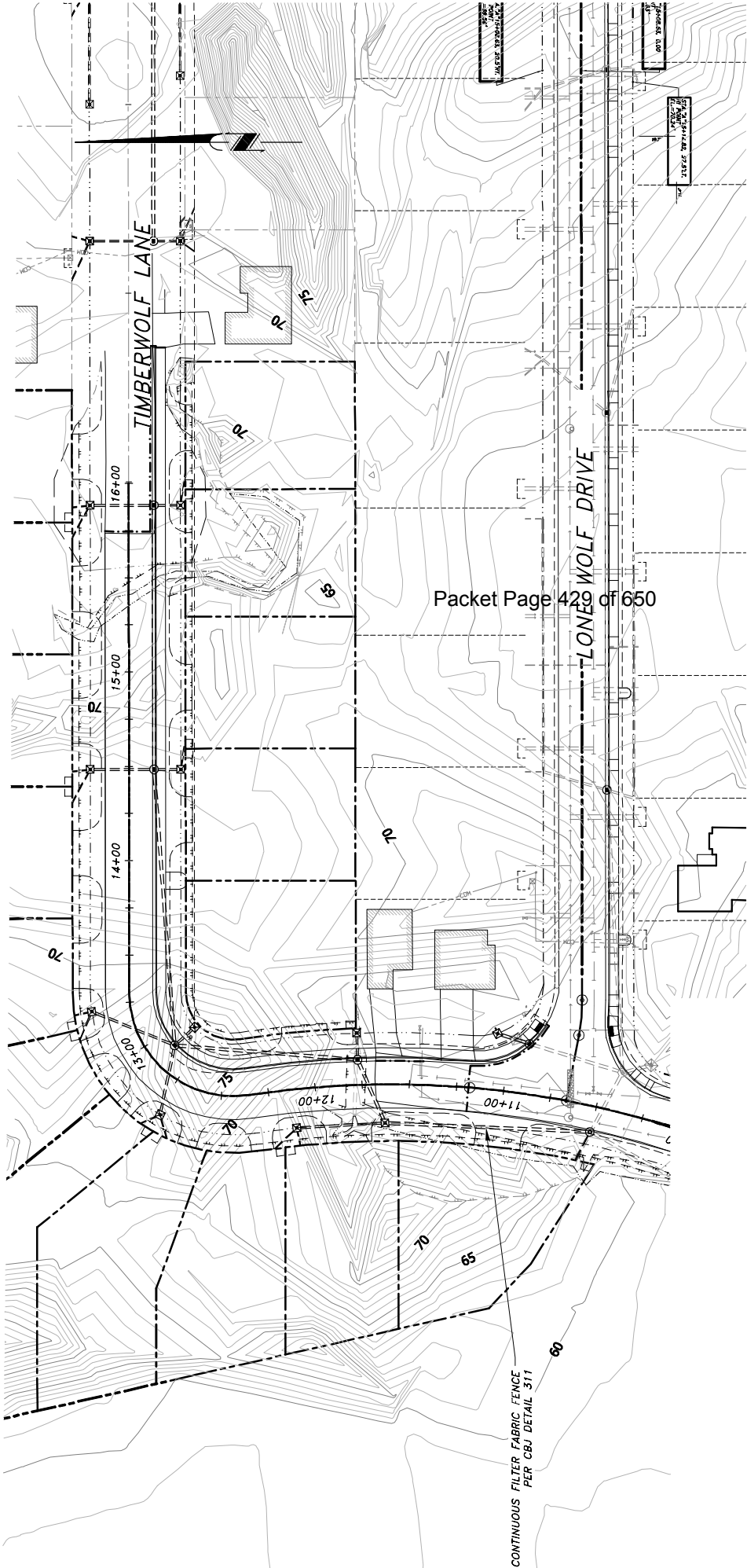


THICKNESS (d')=1.5 x MAX. ROCK DIAMETER - 12" MIN.

SECTION

CULVERT DISCHARGE ENERGY DISSIPATOR/
SETTLING POND

N.T.S

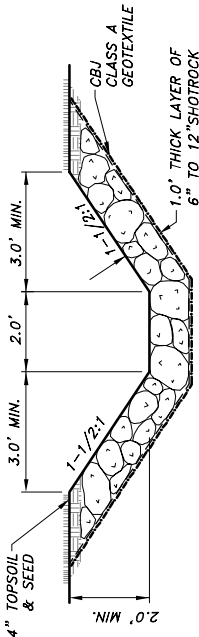


Packet Page 429 of 650

EROSION CONTROL PLAN



- EROSION AND SEDIMENT CONTROL NOTES:
1. EROSION CONTROL BARRIERS SHALL BE PLACED BEFORE ANY CONSTRUCTION ACTIVITIES PER THE MOST CURRENT VERSION OF THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES "ALASKA STORM WATER POLLUTION PREVENTION PLAN GUIDE"
 2. BARRIERS WILL BE MAINTAINED AND SERVICED THROUGH-OUT CONSTRUCTION.
 3. COLLECTED SEDIMENT WILL BE DISPOSED OF OFFSITE AT AN APPROVED DUMP SITE.
 4. ALL CONSTRUCTION SHALL ADHERE TO THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES "ALASKA STORM WATER POLLUTION PREVENTION PLAN GUIDE.
 5. A WEEKLY SUMMARY DETAILING "STORM WATER POLLUTION PREVENTION PLAN" (SWPPP) SHALL BE PROVIDED TO CBJ ENGINEERING.
 6. TEMPORARY EROSION & SEDIMENTATION CONTROL BARRIER SHALL BE CONSTRUCTED PER C.B.J. STD. DETAIL 312 OR AS DIRECTED BY THE ENGINEER. ACTUAL LOCATIONS MAY VARY AND MAY BE RELOCATED AS DIRECTED BY THE ENGINEER.
 7. EROSION CONTROL AND SNOW STORAGE MEASURES TO COMPLY WITH CBJ GUIDE FOR STORMWATER BEST MANAGEMENT PRACTICES, REVISED AUGUST 2010, OR MOST RECENT VERSION THEREOF.



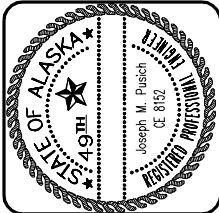
ARMOR ROCK DITCH

N.T.S.
EAST OUTLET OF PIPE D-2

DESIGN	JMP
DRAWN	JAG
CHECK	JMP
APPROVED	
FILE	L-XXX

NO.	DATE	REVISION	BY	APPROV.

EROSION CONTROL PLAN, DETAILS



R & M ENGINEERING, INC.
ENGINEERS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL : rmengineering@rmjuneau.com

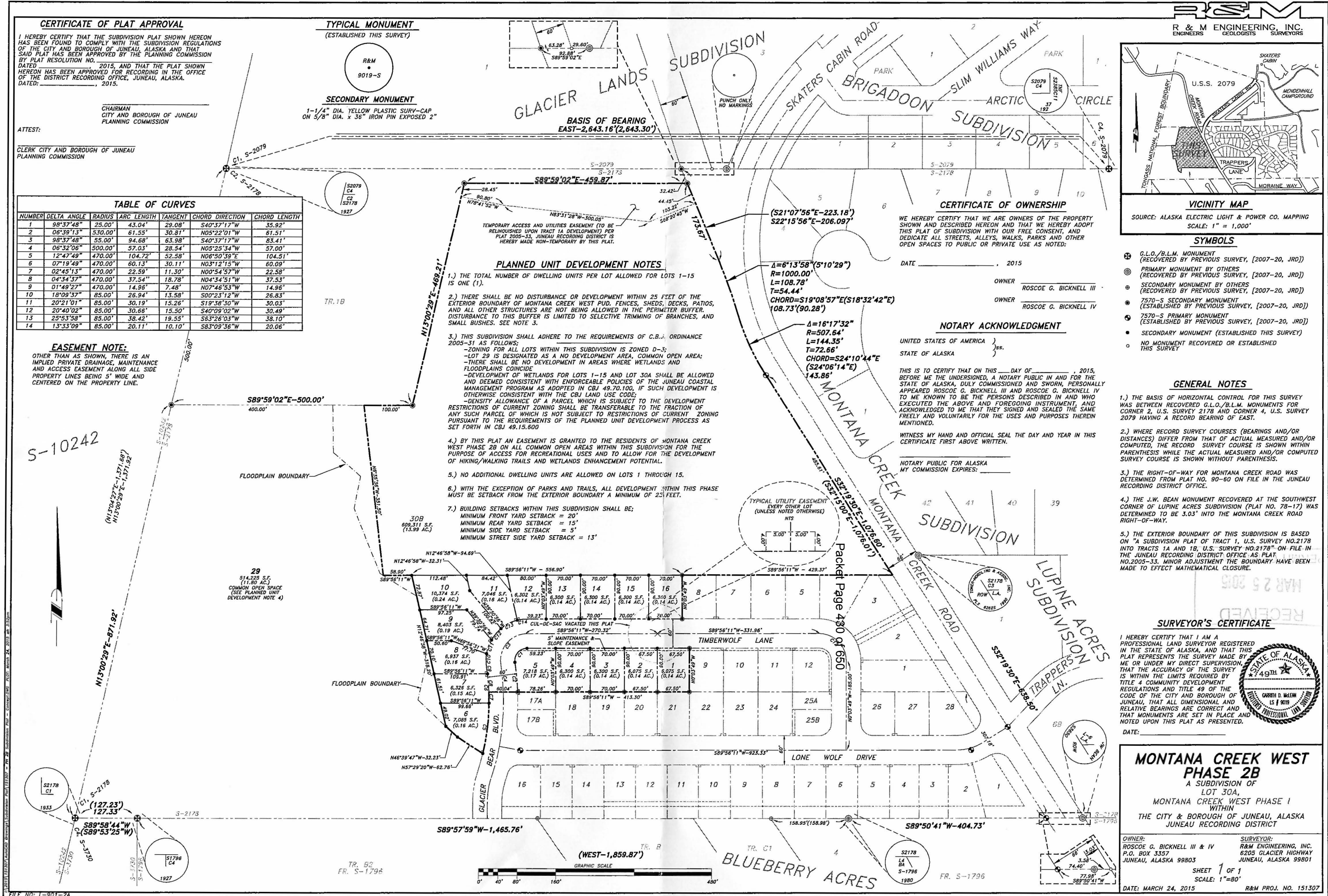
**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA

CLIENT: BICKNELL, INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

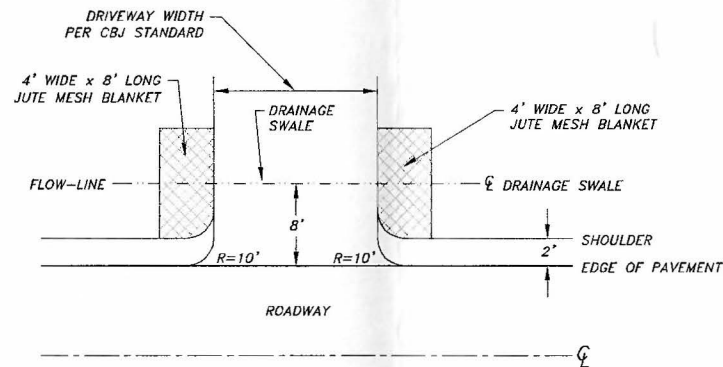
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SHEET **10** OF 10

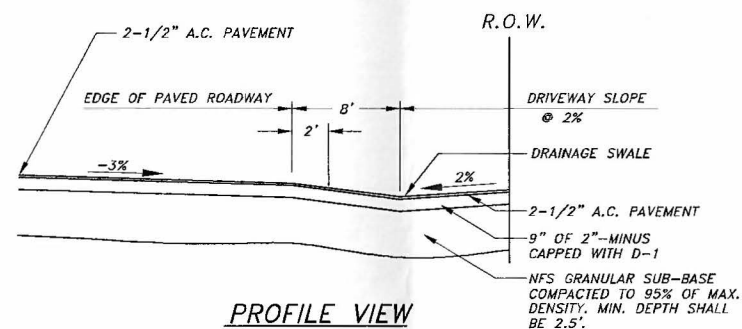


GENERAL CONSTRUCTION NOTES

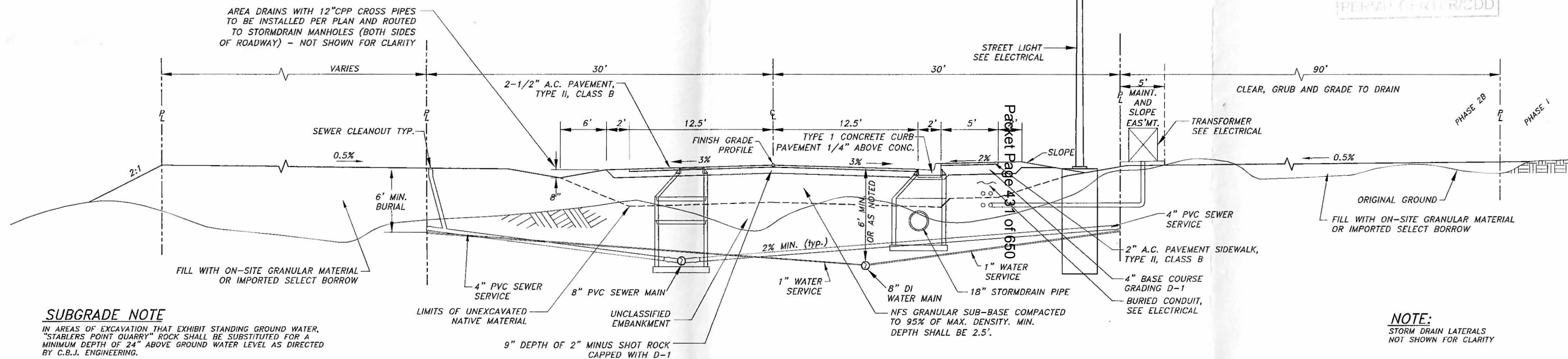
1. CBJ ENGINEERING STANDARD DETAIL BOOK FOR CIVIL ENGINEERING PROJECTS AND SUBDIVISIONS IMPROVEMENTS DATED AUGUST, 2011, CBJ ENGINEERING STANDARD SPECIFICATIONS DATED DECEMBER, 2003, AND THE MANUAL OF BEST MANAGEMENT PRACTICE 19.12.120 ARE MADE A PART OF THIS PROJECT, WITH CURRENT REVISIONS AS APPLICABLE.
2. GRADES AND ALIGNMENTS SHOWN ON THESE PLANS ARE SUBJECT TO MINOR REVISIONS AS APPROVED BY THIS ENGINEER.
3. FINISHED PROFILE ELEVATIONS SHOWN ARE TO THE TOP OF ASPHALT PAVEMENT AT THE ROADWAY CENTERLINE. OTHER FINISH GRADE ELEVATIONS SHOWN ARE TO TOP OF ASPHALT PAVEMENT AT EDGE OF PAVEMENT.
4. LOCATION OF STORM DRAIN CATCH BASINS, AREA DRAINS, PIPING AND PIPE LENGTHS ARE SUBJECT TO MINOR FIELD REVISIONS, AS APPROVED BY THE ENGINEER.
5. ALL CUT AND FILL SLOPES SHALL BE SEEDED BY THE HYDROSEEDING METHOD. PLACE 2" MIN. TOPSOIL PRIOR TO SEEDING WHERE INSUFFICIENT ORGANIC MATERIAL EXISTS.
6. LOCATIONS OF EXISTING UNDERGROUND SEWER, WATER, STORM, TELEPHONE, CABLE TELEVISIONS, AND POWER UTILITIES SHOWN IN THESE PLANS WERE DERIVED FROM C.B.J. AS-BUILTS &/OR FIELD LOCATES. ACTUAL LOCATIONS MAY VARY FROM THOSE SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING, PROTECTING, AND MAINTAINING THE UTILITIES THROUGHOUT THE CONSTRUCTION OF THIS PROJECT. ANY DAMAGE RESULTING TO THESE UNDERGROUND UTILITIES DURING CONSTRUCTION SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT. CALL "DIAL BEFORE YOU DIG" 586-1333.
7. ALL ITEMS DESIGNATED TO BE REMOVED SHALL BE DISPOSED OF AT A CBJ APPROVED WASTE DISPOSAL SITE.
8. PROVIDE KNOCKOUTS IN CATCH BASINS AND MANHOLES FOR ALL PIPE SHOWN ON THE PLANS.
9. ALL ELECTRICAL LIGHT STANDARDS POSITIONS ARE SUBJECT TO APPROVAL/ RELOCATION BY CBJ ENGINEER AND /OR AEL&P.
10. AEL&P ELECTRIC, UTILITY AND CABLE SERVICE LOCATIONS SHALL BE COORDINATED WITH THE CONTRACTOR AND CBJ ENGINEERING DEPARTMENT.
11. TELEPHONE AND CABLE UTILITIES SHALL COORDINATE THEIR UTILITIES' LOCATION & INSTALLATION WITH AEL&P AND CBJ'S ENGINEERING DEPARTMENT.
12. ALL WORK FOR THESE PLANS SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND STANDARDS.
13. ALL CONSTRUCTION ACTIVITIES SHALL BE IN CONFORMANCE WITH THE "SWPPP" ACCEPTED BY THE CITY & BOROUGH OF JUNEAU, DATED 3/21/06 AS MODIFIED FOR PHASE 2A AND APPROVED BY DEC.
14. BEGIN SUBCUT AT 24 INCHES FROM PAVEMENT SAWCUT LINE AT STREET CONNECTIONS. REMOVE AND REPLACE BASE COURSE WITH 6-INCHES OF D-1 TO 12-INCHES FROM PAVEMENT SAWCUT LINE.
15. ONLY HORIZONTAL ELBOW FITTINGS (BENDS) ARE SHOWN ON THE PLANS. ADDITIONAL FITTINGS WILL BE REQUIRED FOR VERTICAL DEFLECTIONS NEAR CONNECTION TO EXISTING PIPES, AND AT OTHER LOCATIONS REQUIRING GRADE CHANGES TO AVOID CONFLICTS.
16. THE CONTRACTOR SHALL NOTIFY CBJ WATER UTILITIES AT 780-6808 OF PROPOSED WATER SERVICE INTERRUPTION AND SUBMIT THE "WATER SYSTEM SPECIAL USE PERMIT" (CONSIDERED BY THE ENGINEER) AT LEAST 48 HOURS PRIOR TO SHUT DOWN OR FLUSHING OF MAINLINE WATER PIPE.
17. "JUMPING JACK", OR SIMILAR TYPE COMPACTORS SHALL BE USED FOR COMPACTION WITHIN 18 INCHES OF THE OUTSIDE SURFACE OF ALL WATER VALVE BOXES AND MANHOLES WITHIN THE STREET AND SIDEWALK LIMITS.
18. THE USE OF GROUT AND QUICKSET CEMENT PRODUCTS WITH ADJUSTING RINGS, BRICKS, WOOD, STONES AND OTHER SIMILAR GRADE ADJUSTMENT DEVICES TO SUPPORT CATCH BASIN FRAMES OVER CATCH BASINS AND MANHOLES WILL NOT BE PERMITTED ON THIS PROJECT. SEE PLAN SHEET C301 AND CBJ STANDARD SPECIFICATIONS, SECTION 02502 - STORM SEWER MANHOLES, INLETS AND CATCH BASINS FOR CATCH BASIN FRAME SUPPORT REQUIREMENTS.



PLAN VIEW



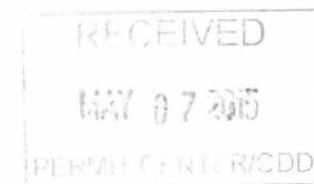
PROFILE VIEW

DRIVEWAY DRAINAGE SWALE
N.T.S.TYPICAL ROADWAY SECTION
N.T.S.

CBJ STANDARD DETAILS

C.B.J. ENGINEERING STANDARD DETAILS REVISED, AUGUST 14, 2011
OR MOST RECENT VERSION THEREOF.

DETAIL NO.	DETAIL NO.	DETAIL NO.	DETAIL NO.
103	203	305	405
104A	205	306	406
105	206A	307	407
106	209	308	409
111	210	309	412
118	213	310	414
125	215	311	
126	303	403	
127A	304A	404	



SUBGRADE NOTE

IN AREAS OF EXCAVATION THAT EXHIBIT STANDING GROUND WATER, "STABLES POINT QUARRY" ROCK SHALL BE SUBSTITUTED FOR A MINIMUM DEPTH OF 24" ABOVE GROUND WATER LEVEL AS DIRECTED BY C.B.J. ENGINEERING.

NOTE:

STORM DRAIN LATERALS NOT SHOWN FOR CLARITY

A:\2015\151307\AutoCAD Drawings\Construction Plans.dwg PLOT: May 07, 2015 at: 7:49am PH 2B Construction Plans.dwg

DESIGN JMP
DRAWN JAG
CHECK JMP
APPROVED
FILE: L-XXX

NO.	DATE	REVISION	BY	APPROVED

CONSTRUCTION DETAILS

TYPICAL ROADWAY SECTION

GENERAL CONSTRUCTION NOTES

STANDARD DETAIL TABLE



R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL: rmengineering@rmjuneau.com

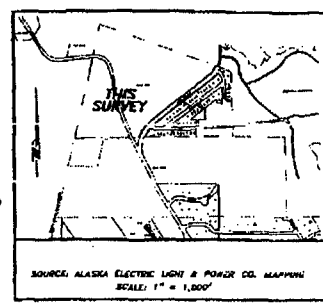
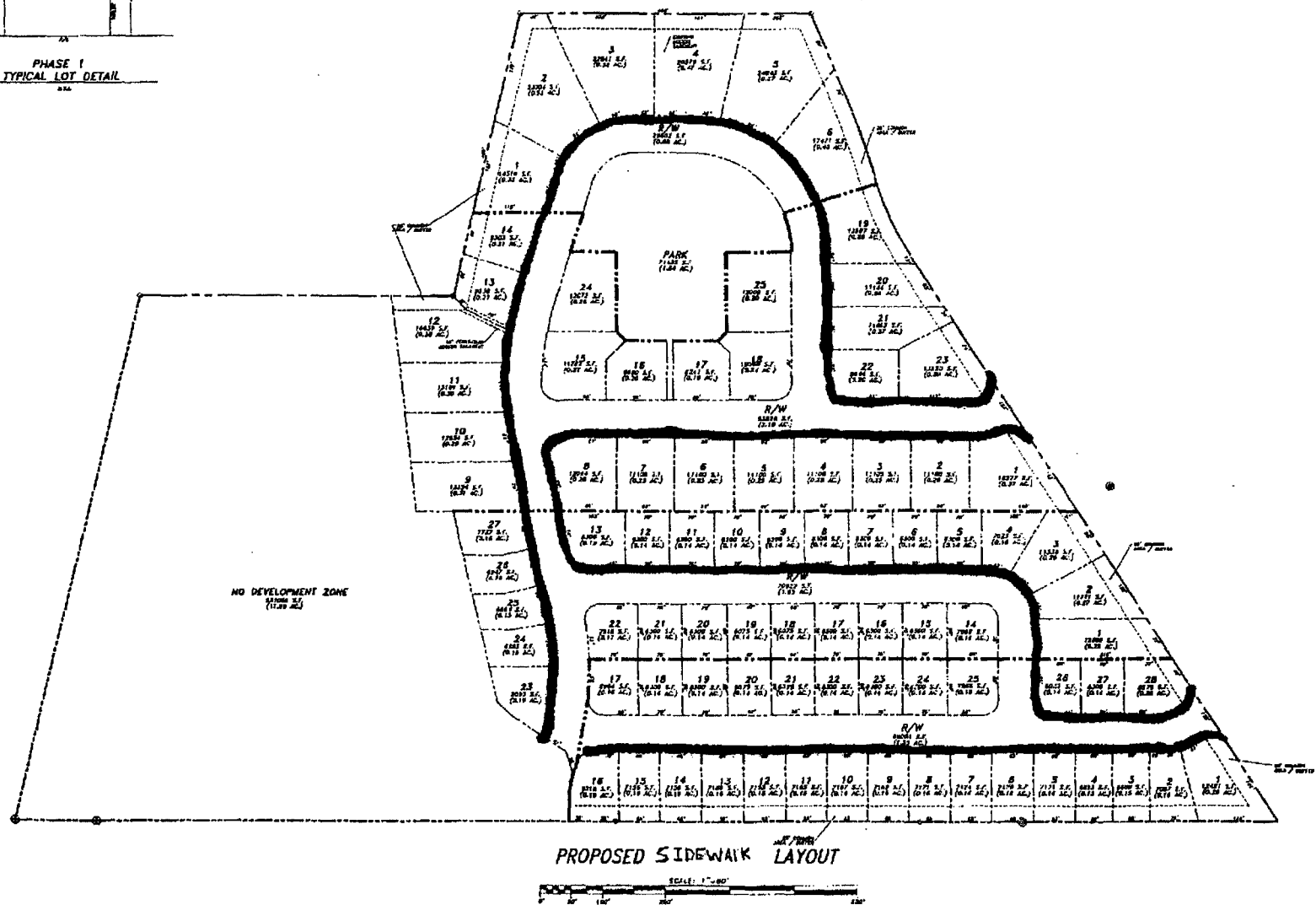
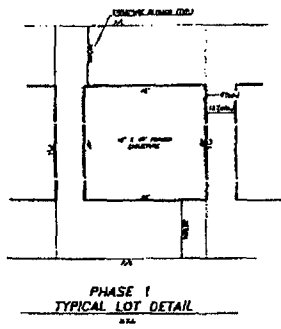
MONTANA CREEK WEST
PHASE 2B
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU ALASKA

CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: MAY 6, 2015
R & M NO. 151307

C3

SHEET
3 of 10



SUBDIVISION SUMMARY	
PHASE 1	28 LOTS
PHASE 1	28 UNITS
PHASE 1 RIGHT-OF-WAY	1.52AC.
PHASE 1 COMMON SPACE	0.75AC.
PHASE 2	27 LOTS
PHASE 2	30 UNITS
PHASE 2 RIGHT-OF-WAY	1.53AC.
PHASE 2 COMMON SPACE	0.16AC.
PHASE 3	25 LOTS
PHASE 3	32 UNITS
PHASE 3 RIGHT-OF-WAY	2.16AC.
PHASE 3 COMMON SPACE	0.45AC.
PHASE 4	6 LOTS
PHASE 4	24 UNITS
PHASE 4 RIGHT-OF-WAY	0.68AC.
PHASE 3 COMMON SPACE	0.80AC.
PHASE 4 PARK SPACE	1.64AC.
TOTAL LOTS	86
TOTAL UNITS	114
TOTAL AREA	36.14AC.
TOTAL RIGHT-OF-WAY	5.99AC.
TOTAL COMMON SPACE	1.96AC.
TOTAL PARK	1.64AC.
TOTAL NO DEVELOPMENT	11.96AC.

A PRELIMINARY SUBDIVISION PLAT
OF
TRACT 1A, U.S. SURVEY NO. 2178
DENDING
MONTANA CREEK WEST
PHASES 1, 2 AND 3
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA

CLAYTON BICKNELL INCORPORATED
P.O. BOX 1557
JUNEAU, ALASKA 99801

SURVEYOR:
RAN ENGINEERING, INC.
8205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: FEB. 4, 2008 SHEET 1 OF 1

File No.: SUB2005-00048

Roscoe Bicknell
 File No.: SUB2005-00048
 February 16, 2006
 Page 2 of 5

6. An easement in favor of the residents of Montana Creek West PUD shall be dedicated on all common open spaces, and the purpose of such easement shall be to provide access for recreational uses, and allow for the development of hiking/walking trails.
7. Final plat shall contain a note stipulating the requirements of Condition #6
8. Final Plat shall show the floodplain boundary.
9. A 10-foot maintenance easement shall be dedicated on the lot adjacent to the lot whereon structures are situated on the common lot line; such easement shall extend the length of the lot.
10. Final plat shall show and describe maintenance easement required by Condition #9.
11. Final Plat shall not be approved until temporary cul-de-sacs are provided, where necessary (as determined by CBJ Community Development) for each phase of the development.
12. Final Plat shall not be approved until a ROW is dedicated to the adjacent Barrett parcel to the south as shown in Submittal dated January 11, 2006, or until an easement over parcel "A" in favor of CBJ for the construction of Rights of Way is recorded.
13. Prior to issuance of a grading permit or PFT, the developer must submit a drainage plan and construction drawings illustrating all public improvements. Such plans must include provisions for addressing stormwater runoff during construction, and be approved by the CBJ Engineering Department.
14. Proposed building envelope shall be shown on the final plat for each lot within the PUD.
15. Final plat shall contain a note indicating, "No additional dwelling units are allowed on lots beyond what is indicated."
16. With the exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25-feet.
17. Building setbacks for proposed development shall be those recommended by staff in this report.
18. Required building setbacks shall be noted on the final plat.
19. Prior to Final Plat approval the developer must:
 - a. Verify the existing contents and depths of the pond to the satisfaction of the CBJ Engineering Department - prior to any more filling.
 - b. All existing organics must be removed from the ponds prior to the commencement of any filling.

Roscoe Bicknell
 File No.: SUB2005-00048
 February 16, 2006
 Page 3 of 5

- c. The developer must submit engineered plans for filling the dredge ponds; such plans must be approved by the Engineering Department and include calculations that address liquefaction in a seismic event, as well as static loading. Recommended methods for achieving consolidation may include surcharging, vibroflotation, and or other methods proposed by the developers Engineer and approved by the CBJ Engineering Department.
 - d. All fill must be placed in accordance with such engineered plan.
 - e. The developers Engineer must verify consolidation at all depths after filling efforts are complete, and identify methods for such.
 - f. An appropriate bond and inspection fee will be required to guarantee for the satisfactory completion of such fill.
20. The restoration plan submitted with USE1999-00016 shall remain a permit requirement until such time that the applicant provides the necessary engineered drawings for the filling of the dredge ponds, and provides the necessary bonding to guarantee for such.
21. Advisory: the applicant is required to submit a stormwater and pollution prevention plan with the Alaska Department of Environmental Conservation.
22. Prior to final plat approval for Phase 3, Parcel "A" (no development zone), shall have a conservation easement placed on it and such parcel shall be deeded to a non-profit organization of the developers choice, as approved by the director of CDD.
23. CBJ Parks and Recreation department must approve park design that will be built by developer and dedicated to CBJ.

JCMP Recommended Conditions

- 1. The applicant shall utilize Best Management Practices listed below for installation of required subdivision improvements:
 - A. Diverted or construction-related water shall not be directed into receiving waters unless sediment retention structures and water quality control devices are used prior to discharge.
 - B. The duration and area of exposed soil shall be minimized to reduce erosion potential. Re-vegetation shall be completed within one growing season.
 - C. Soils or fill shall not be placed near stream banks where it may be transported into the watercourse.

Roscoe Bicknell

File No.: SUB2005-00048

February 16, 2006

Page 4 of 5

- D. Runoff from the site after project completion shall not contribute to the impairment of water quality.
- E. Erosion and sedimentation control devices shall be installed between construction areas and streams prior to grading and maintained throughout the construction period.
- F. Equipment shall not be serviced or washed within 100 feet from streams.
- G. Spill containment and cleanup supplies shall be stored within a 15-minute transport time to construction sites.
- H. Storage of excavated or fill materials must be placed at least 25 feet from streams.
- I. Sediment traps or stilling basins shall be installed to prevent untreated sediment and runoff from entering streams.
- J. Construction runoff will be filtered through silt fences before reentering streams.

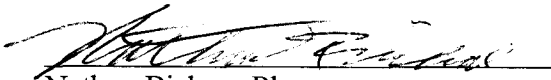
Attachment: February 9th & 14th, 2006 memorandums from Nathan Bishop Community Development to the CBJ Planning Commission regarding SUB2005-00048.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

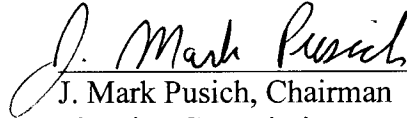
Effective Date: The permit is effective upon approval by the Commission
February 14, 2006.

Expiration Date: The permit will expire 18 months after the effective date, or August 14, 2007, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized; or if no plat has been issued in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

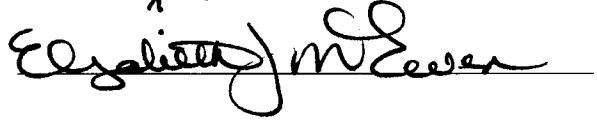

Nathan Bishop, Planner

Roscoe Bicknell
File No.: SUB2005-00048
February 16, 2006
Page 5 of 5



J. Mark Pusich, Chairman
Planning Commission

Filed With ^{deputy} City Clerk



Feb. 16, 2006

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

R&M ENGINEERING, INC.
ENGINEERS
GEOLOGISTS
SURVEYORS

6205 GLACIER HWY. «» JUNEAU, ALASKA 99801
PHONE: 907-780-6060 «» FAX: 907-780-4611
EMAIL: rmengineering@rmjuneau.com

April 30, 2015

City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Sent VIA Email

Attn: Mr. Eric Feldt
CBJ Planner II

Re: Montana Creek West Phase 2B
Letter of Explanation
R&M Project No. 151307

Dear Mr. Feldt,

At the request of Bicknell, Inc., R&M Engineering, Inc. (R&M), has prepared a preliminary plat for Montana Creek West Phase 2B which is part of a planned unit development (P.U.D.) started in 2004. As part of this plat submittal we are proposing to terminate Glacier Bear Boulevard at the intersection of Timberwolf Lane. The original road alignment submitted in the concept subdivision phase continued north to connect with future phases of development. This roadway connection is no longer considered necessary or beneficial when considering the following subdivision design elements:

- Access to phases 1, 2A and 2B of Montana Creek West are accomplished by Lone Wolf Drive from Montana Creek Road. This looped roadway configuration allows for efficient travel and emergency access within these subdivision phases. In like manner, the future phases of the Montana Creek West development will be accessed directly from Montana Creek Road and will have a looped configuration. Therefore, the connection of Glacier Bear Boulevard to future roads to the north is not necessary for the purposes of access.
- The water and sanitary sewer systems can be accommodated without a connection along Glacier Bear Boulevard. The flatness of the terrain makes gravity flow difficult in wastewater design and necessitates two tie-ins to the Montana Creek Road sewer main to avoid the need of a sewer lift station which is costly to install and maintain. The water system within the south and north portions of the development are designed to be closed loop system which is considered optimal for providing water pressure and firefighting flows. An additional waterline connection between the two roadway loops would be redundant.
- Omitting the north connection of Glacier Bear Boulevard would eliminate approximately 250-feet of roadway infrastructure which is costly to construct and would require long-term maintenance by the City and Borough of Juneau.
- The amount of useable land that this extra portion of roadway would consume is approximately 17,025 square feet (0.39 acres). With the current zoning, this equals

Serving Southeast Alaska For Over 45 Years

Attachment D Phase 2B
ATTACHMENT E

Mr. Eric Feldt
April 29, 2015
Page 2

two lots. Given the need for housing in Juneau, the addition of these two lots is considered significant. Increased privacy is also granted to the lots in the northwest corner of the said development by minimizing the road frontage.

It has been asked by CBJ-CDD that if Glacier Bear Boulevard does not extend north to the future phase, that pedestrian access be maintained to the future phase of development which includes a small public park. To achieve this access it has been suggested that a 10'-wide pedestrian access easement be granted centered on the proposed lot line between lots 11 and 12 of Phase 2B. While we consider access to the park important, we believe that it can be reasonably achieved without the need for this easement. Negative impacts created by this pedestrian easement include:

- Loss of privacy for the lots on either side of the pedestrian easement.
- Loss of value for the lots bordering the easement due to the reduction in buildable space (Approximately 475 square feet per lot, and potentially affecting 4 lots total).
- and, the potential for a dark corridor where light is obstructed by fences and trees, therefore making public safety a concern.

Considering all of the potential impacts and the best interest of the neighborhood community, it is our opinion that the pedestrian sidewalks along Timberwolf Lane, Glacier Bear Boulevard and Lone Wolf Drive allow sufficient access to Montana Creek Road and from there northwards to the future site of the park. Should this pedestrian route not be accepted by CBJ, Bicknell is willing to consider an access easement centered along the existing 20'-wide drainage easement between lots 2 and 3 of the Montana Creek West Phase 2A subdivision and north along the 25'-wide greenbelt common area bordering the Montana Creek Road right-of-way. This easement location has several distinct advantages:

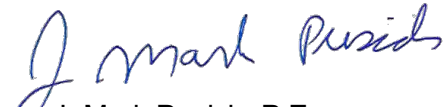
- A drainage easement already exists from the Timberwolf Lane right-of-way to the Montana Creek Road right-of-way. A 10'-wide access passing through this area would only affect two lots which are restricted from building within this area already.
- Pedestrian traffic would be directed to the road corridors where it is best served and closer to public transit locations.
- The existing greenbelt is large enough to accommodate a pedestrian trail without sacrificing privacy and public safety.
- It consolidates public access to existing public easements and common areas.

In summary, the extension of Glacier Bear Boulevard to the north phase of Montana Creek Subdivision does not promote feasible or reasonable development. Reducing CBJ maintenance costs on roadways/utilities and developing a supportable subdivision in conformance with best use of land are accomplished with this proposal. Bicknell requests that the pedestrian access along the existing streets be considered acceptable.

Mr. Eric Feldt
April 29, 2015
Page 3

We appreciate your time in reviewing this phase of the Montana Creek West Subdivision.
Should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,
R&M Engineering, Inc.



J. Mark Pusich, P.E.
Civil Engineer

cc: Spike Bicknell, Bicknell, Inc.

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PUD Approved Street layout for Phases 1+2

CERTIFICATE OF OWNERSHIP
(RECORDED THIS SURVEY)
I, THE SURVEYOR, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THIS PLAT OF SUBDIVISION, AND THAT I HAVE OBTAINED ALL NECESSARY PERMITS, LICENSES, AND OTHER DOCUMENTS REQUIRED BY THE STATE OF ALASKA FOR THE RECORDING OF THIS PLAT.

PLANNED UNIT DEVELOPMENT NOTES
1. THE TOTAL NUMBER OF DWELLING UNITS PER LOT ALLOWED FOR LOTS 1-15 IS ONE (1).
2. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXISTING STRUCTURES, UTILITIES, OR OTHER FEATURES SHOWN ON THIS PLAT.
3. THE SUBDIVISION SHALL ADHERE TO THE REQUIREMENTS OF C.R.J. ORDINANCE 2009-11 AS FOLLOWS:
- LOTS 1-15 SHALL BE DEVELOPED AS RESIDENTIAL LOTS.
- THERE SHALL BE NO DEVELOPMENT IN AREAS WHERE WETLANDS AND DEVELOPMENT OF WETLANDS FOR LOTS 1-15 AND LOT 16A SHALL BE ALLOWED.
- DEVELOPMENT OF WETLANDS SHALL BE LIMITED TO SELECTIVE TRIMMING OF BRANCHES, AND OTHER STRUCTURES ARE NOT BEING ALLOWED IN THE PERMETER BUFFER.
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GENERAL NOTE
OTHER THAN AS SHOWN, THERE IS AN IMPLIED PRIVATE DRAINAGE MAINTENANCE PROPERTY LINE BEING 5' WIDE AND CENTRED ON THE PROPERTY LINE.

Eric Feldt

From: Dan Jager
Sent: Wednesday, May 20, 2015 10:34 AM
To: Mark Pusich; Eric Feldt
Cc: Jacob Graves; 'David Blommer'; Sven Pearson; Rich Etheridge
Subject: RE: Montana Creek West Phase 2B - Fire Apparatus Access

Mr. Pusich,

Thank you for your response to the IFC requirement for a second apparatus access road. The letter you sent gives a good background on this project. In paragraph two, the first sentence clarifies the requirement, not only for the 2009 IFC, but a second apparatus access road was a requirement in 2006 under the 2003 IFC when the project was started. Any subdivision with 30 or more homes in a one or two family residential development is required to have two apparatus access roads. So, even back then, it was a code requirement. And the paragraph goes on to show how this subdivision has continued to grow and is now going to be 58 homes total. This is almost double the amount where the two apparatus access roads are required.

I can appreciate the roads already constructed exceeding the minimums for apparatus use. However, when we look at accessibility, we have to plan for the largest apparatus that would be using it and worst case scenario. In this case, it would be our ladder truck which is a normal response apparatus for any structure fire in CBJ. When we use this apparatus we use over 22 feet of width for the outriggers for apparatus stability. We will completely shut down any roadway when we use our apparatus, especially the ladder truck. So, even with 36 foot wide roadway, it will be reduced to a size that is not safe for fire personnel or the public and will require it be shut down during any fire operation. Therefore, there will be a potential for blockage with only one road.

As far as examples of other subdivisions go, those subdivisions were created many years ago under different codes and requirements and back when the State Fire Marshal Office had jurisdiction. As you are aware, things are completely different today. This subdivision project is required to meet the current codes of today. Even if it were completed back in 2006 when it started, it would still have the same requirements as today.

Finally, the request for me to relax or waive the code requirements cannot occur. Legally I do not have the authority to waive code requirements.

As the fire code section reads, the only exception to this code requirement is that each home that is built has a residential sprinkler system.

Thank you for the opportunity to reiterate the fire code requirements and provide additional details and explanation. Please feel free to contact me if you have any further questions. At this time the requirements will stand as they are and a second apparatus access road shall be installed as written in the IFC.

Dan

Daniel M. Jager EFO, IAAI-CFI
 Fire Marshal



ATTACHMENT G

Attachment D - Phase 2B

Applicant's Sidewalk Plan for Ph. 2B

R&M ENGINEERING, INC.
ENGINEERS
GEOLOGISTS
SURVEYORS

6205 GLACIER HWY. «» JUNEAU, ALASKA 99801
PHONE: 907-780-6060 «» FAX: 907-780-4611
EMAIL: rmengineering@rmjuneau.com

May 21, 2015

City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Sent VIA Email

Attn: Mr. Eric Feldt
CBJ Planner II

Re: Montana Creek West Phase 2B
Letter of Explanation No.2
R&M Project No. 151307

Dear Mr. Feldt,

Provided in this letter is further explanation about the street access layout and proposed sidewalks for Montana Creek West Phase 2B Subdivision.

Street Access Layout:

The preferred plan is to eliminate the north segment of Glacier Bear Boulevard. The fire code requires two points of access to the subdivision and it is our opinion that this criterion can be met without having the north connection of Glacier Bear Boulevard. The first point of access is the existing intersection of Lone Wolf Drive and Montana Creek Road. The second access is the planned connection to the southern end of Glacier Bear Boulevard. The developer originally dedicated **8,943 square feet** of right-of-way for the south access to Glacier Bear Boulevard to Tract B, Fraction of U.S.S. 1796. The reason for the right-of-way in this area was for future access. Section D106 of the 2009 International Fire Code states that "the number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with **future development.**" Although no development is currently planned for the adjacent lot to the south, it was Bicknell's intent upon the original dedication of this right-of-way that this be considered a future access point. Should the termination of the north end of Glacier Bear Boulevard not be permitted, there will be three access points to this subdivision which is excessive. In this case, the developer would ask to reclaim the right-of-way that was dedicated on the south end of Glacier Bear Boulevard for development of (1) one lot. (See attached sketch)

Sidewalk Configuration:

We are requesting that the sidewalk be constructed on the East side of Glacier Bear Boulevard. The pedestrian crossing at Lone Wolf Drive will be re-orientated to the north where it will intersect Timberwolf Lane. Having the sidewalk at this location does not increase the number of pedestrian crossings and has the advantage of being shorter in length, and therefore there is less sidewalk for CBJ Streets Department to maintain. (See attached sketch showing proposed sidewalk configuration)

Serving Southeast Alaska For Over 45 Years

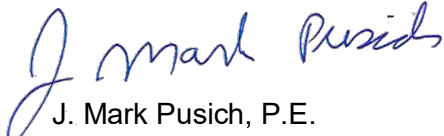
Attachment D - Phase 2B
ATTACHMENT I

Mr. Eric Feldt
May 21, 2015
Page 2

To summarize, the developer wishes to optimize the number of dwelling units in this development and to reduce the amount of infrastructure costs. Vehicle and pedestrian access to the subdivision is considered to be achieved with the proposed plans.

We appreciate your time in reviewing this phase of the Montana Creek West Subdivision. Should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,
R&M Engineering, Inc.



J. Mark Pusich, P.E.
Civil Engineer

cc: Spike Bicknell, Bicknell, Inc.

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CERTIFICATE OF PLAT APPROVAL

I, HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE STATE OF ALASKA, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

CLERK CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:

CLERK CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

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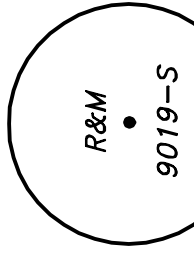
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OPTION 1

TYPICAL MONUMENT

(ESTABLISHED THIS SURVEY)



SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP
ON 5/8" DIA. x 3/8" IRON PIN EXPOSED 2"

Packet Page 446 of 650

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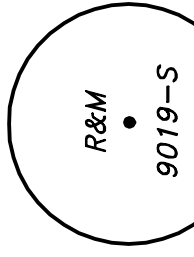
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Packet Page 446 of 650

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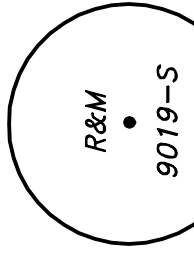
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9	01°49'27"	470.00'	14.96'	N07°46'53"W			14.96'
10	19°09'37"	85.00'	26.94'	S00°23'12"W			26.83'
11	20°21'01"	85.00'	30.19'	S19°38'30"W			30.03'
12	20°40'02"	85.00'	30.66'	S40°09'02"W			30.49'
13	25°53'58"	85.00'	38.42'	S63°26'03"W			38.10'
14	13°33'09"	85.00'	20.11'	S63°09'36"W			20.06'

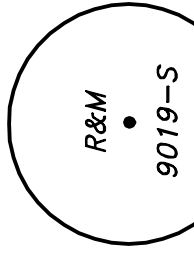
EASEMENT NOTE:

OTHER THAN THE SHOWN THERE, THERE IS AN IMPLIED PRIVATE EASEMENT FOR MAINTENANCE AND ACCESS EASEMENT ALONG ALL SIDE AND PROPERTY LINES BEING 5' WIDE AND CENTERED ON THE PROPERTY LINE.

OPTION 1

TYPICAL MONUMENT

(ESTABLISHED THIS SURVEY)



SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP
ON 5/8" DIA. x 3/8" IRON PIN EXPOSED 2"

Packet Page 446 of 650

PLANNED UNIT DEVELOPMENT NOTES

- 1.) THE TOTAL NUMBER OF DWELLING UNITS PER LOT ALLOWED FOR LOTS 1-15 IS ONE (1).
- 2.) THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF MONTANA CREEK WEST PUD, FENCES, SHEDS, DECKS, PATIOS, AND ALL OTHER STRUCTURES ARE NOT BEING ALLOWED IN THE PERIMETER BUFFER. DISTURBANCE TO THIS BUFFER IS LIMITED TO SELECTIVE TRIMMING OF BRANCHES, AND SMALL BUSHES. SEE NOTE 3.
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MINIMUM FRONT YARD SETBACK = 20'
MINIMUM REAR YARD SETBACK = 15'
MINIMUM SIDE YARD SETBACK = 5'
MINIMUM STREET SIDE YARD SETBACK = 13'

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NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD	DIRECTION	CHORD LENGTH
1	90°37'48"	25.00'	43.04'	29.08'	540°37'17"W		35.92'
2	06°39'13"	550.00'	30.81'	N05°22'01"W			61.51'
3	98°37'48"	94.68'	55.00'	S40°37'17"W			83.41'
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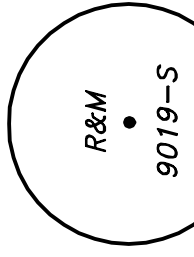
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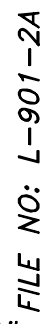
Packet Page 446 of 650

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14	73°53'09"	85.00'	20.11'	10.10'	S53°29'36"W		20.06'



4. Rules regarding traffic circulation will be included in the Child Care Center Policies Handbook and be agreed to by all parents and employees. Parents and staff should be made aware that driving through the neighboring Lakeshore Condominium complex is not allowed.

MOTION: *by Mr. Watson, to approve the revised Consent Agenda as read with staff's findings, analysis and recommendations, incorporating the memorandum from Staff on CSP2015 0008 noting 250 additional feet of guard rail. He asked for unanimous consent.*

The motion was approved by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

- Title 49 Amendments in regard to transitional housing.

Ms. McKibben noted that the Title 49 meeting will be this Friday (June 12, 2015), at 11:30 a.m. in the Community Development conference room. She verified with the Commission that enough members would be present at that meeting to constitute a quorum.

IX. REGULAR AGENDA

SMP2015 0004:	Montana Creek West Phase 2B subdivision creating 16 lots.
Applicant:	Bicknell, Inc.
Location:	Montana Creek Area

Staff Recommendation

Applicant's Preferred Street & Sidewalk Designs

Staff recommends that the Planning Commission adopt the Director's analysis and findings and deny the requested Preliminary Plat permit because it does not meet all findings.

Staff Recommendation

2005 PUD Subdivision Design

Staff recommends approval of the 2005 PUD (Planned Unit Development) street and sidewalk design, and the conditions stated in the SUB2005-00048 notice of decision.

Ms. McKibben noted that the lots in question are located off of the Montana Creek Road towards Skater's Cabin. Montana Creek subdivision is a Planned Unit Development (PUD) that was approved in 2005 and 2006. The land is zoned D3, the PUD allowed smaller lots, compensated by open space and park space.

There are 86 lots proposed after final construction with 114 dwelling units, said Ms. McKibben. There is a wet land preservation lot, a perimeter buffer, with a park, sidewalks and pathways. Phase 1 was completed with 28 lots, and Phase 2 with 12 lots, said Ms. McKibben.

The street and sidewalk layouts for the current proposal for Phase 2B differ from the original PUD proposal, noted Ms. McKibben. If the Commission approves the original PUD street design, the applicant would still like to alter the sidewalks within that design, she said.

The staff has found that the applicant's preferred alternative with the alternate street and sidewalk design results in only one access to Montana Creek Road, noted Ms. McKibben. It does not meet the fire code and does not provide access to the future proposed development. Since Finding 4 cannot be met, the staff recommends that the alternative proposal of the applicant be denied.

The original PUD plan provides both vehicular and pedestrian connections, while the applicant's preferred plan does not provide that internal connection to the future phase, including the park, said Ms. McKibben. Since the applicant's preferred plan does not meet fire code, does not provide access to the future subdivision and future park, and results in only one access to Montana Creek Road, the staff recommends that the alternative design be denied, said Ms. McKibben.

If the Planning Commission were to approve the applicant's preferred alternative, the staff would recommend some added pedestrian access added linking this phase to the future phase and park, noted Ms. McKibben. In the current version of the applicant's preferred sidewalk plan there are a number more street crossings in order to access the park, said Ms. McKibben, making the trip to the park less safe.

Commissioner Comments and Questions

Mr. LeVine asked if the Commission decided to adhere to its original recommendation, if there was any further action required of the Commission aside from denying the request to change the original PUD.

It does need approval, noted Ms. McKibben, because each individual phase of the project requires preliminary and final plat approval.

Mr. Voelckers noted that there has already been a partial approval by flipping the sidewalk to the upper option in phase 2A. An option would be to approve the overall street configuration of 2005 with an amended Option 3 of the sidewalk.

With option three the applicant had suggested that since they were being compelled to add a second route back to Montana Creek; that they would like the southwest corner piece of the property converted from a right-of-way to a lot.

Mr. Watson noted that Staff is recommending that a pedestrian path traversed two lots which will have more than single-family occupancy. Mr. Watson said this did not make a lot of sense to him.

The path is only being recommended if the Planning Commission chooses to not require the street access as required in the PUD, said Ms. McKibben.

Mr. Watson said no matter where the sidewalk was located, that the same number of people would be crossing it. Because of this he noted that he saw no problem with allowing the applicant to place the sidewalk in an alternate location.

Ms. McKibben noted that with the applicant's preferred plan multiple crossings would be required to get to the park.

Mr. Voelckers said if there is a letter from the Fire Marshall indicating that two access roads would be a code requirement, he was surprised that not fulfilling this requirement was presented as an option to the Commission.

Chairman Satre said the applicant has the right to advocate the request, and then asked for clarification from Ms. McKibben as to why the staff was presenting an option which did not meet the fire code.

Once the applicant was told that their plan did not meet Fire Department access requirements, they revised their proposal to provide street access, at the same time requesting a change in the sidewalk design, answered Ms. McKibben.

Mr. Watson asked why an access road to an undeveloped area was proposed.

This was needed to provide Fire Department access for the future phases, answered Ms. McKibben.

Mr. LeVine noted if the Commission was to insist upon the original sidewalk design, that the results would be sidewalks that did not meet. He said there was no way to make the process binding unless the original 2005 plat is amended.

Mr. LeVine asked if there was any explanation for why or how the earlier change was justified.

Applicant

Jacob Graves, who works for R & M Engineering, spoke on behalf of the applicant.

Chairman Satre asked Mr. Graves if he had any knowledge of the original request to change the sidewalks.

Mr. Graves responded that he did not have that information. He added the applicant prefers to go the shortest route with the sidewalk because less sidewalks saves on costs and maintenance.

Mr. LeVine asked Mr. Graves if he was aware of the timing of the future phases of the project. Mr. Graves responded that he believed it would be at least a few years before the next phase of the project was implemented.

Mr. Voelckers said according to information from the Fire Marshal that a development of 30 or more homes required two apparatus approaches. He asked if it could be a serious negligence issue with only one road.

Mr. Graves responded that according to the Fire Code if there is a second access which is planned for future development then it qualifies as the second access required by code.

Mr. Watson asked how wide the street was.

The right-of-way width is 60 feet, answered Mr. Graves.

Mr. Haight said the preferred alternative would put the additional phases in jeopardy because they would only have one access point. He said in his opinion that option is not fully developed at this time for consideration by the Commission.

Chairman Satre noted that the Commission had spent a lot of time and effort approving the initial PUD. There was a lot of public testimony from neighbors and the Commission did its best to balance the needs of the greater neighborhood with those of the developer. He said he felt the original PUD worked well.

Mr. Watson asked where the fire access would be located for this phase of the project.

Ms. McKibben showed Mr. Watson on a map where the access would be located.

MOTION: *by Mr. Voelckers, that the Commission follow the staff's recommendation on SMP2015 0004 which denies the applicant's current modification to the PUD and reaffirms the 2005 plan as amended to include Option 3 on the sidewalk routing as proposed by the applicant. To amend the statement about the applicant's sidewalk design in Finding 4, there may be some slight additional crossings which provide an alternate way to get to the park area and exit to the street following the continuity of the sidewalks which have already been approved, which does not result in endangerment of the public health or safety.*

Mr. LeVine said that he was troubled by the sidewalk portion of this action. He said he would support the motion, but that he felt this was an inefficient way to do business and that it would be better to go back and have a full discussion of the 2005 PUD if the sidewalks throughout all of the phases are to be amended.

Chairman Satre asked the staff if it would be possible to insert an advisory condition strongly suggesting to the applicant that subsequent sidewalk designs be tied into the existing sidewalk for this phase of the project.

Ms. McKibben suggested that the Commission may want to recommend that the applicant bring back the PUD for review for an amendment to the sidewalk plan, and the Commission could then review the entire development to which subsequent phases could then be compared.

Ms. McKibben said this particular item is for preliminary approval for this specific phase of the project, and if the Commission wished to review the entire PUD, it would need to amend that through a different process. She added that for the current motion Finding 4 would also need to be amended to support the motion.

Chairman Satre asked if the sentence: “The applicant’s sidewalk design requires multiple street crossings and can increase pedestrian injury.” could simply be eliminated from the findings.

Mr. Watson spoke in favor of the motion, adding he felt the Commission should look more closely at future plans, with the recognition that changes in plans do sometimes need to occur.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS – None

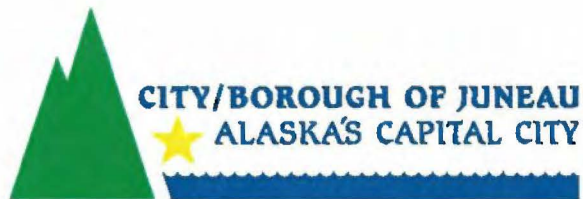
XII. DIRECTOR’S REPORT

Housing Action Plan

On July 1 and 2 the consultants working on the Housing Action Plan with the Affordable Housing Commission will be in town, said Ms. McKibben. One of the consultant team would like to speak with representatives from the Commission about maps. Ms. McKibben will poll the Commission members by email to see who is available for this meeting. In addition, the Affordable Housing Commission will be meeting with the consultants on July 2, at 5:15 p.m. in the conference room of the Tlingit and Haida Regional Housing Authority.

Auke Bay Multi Housing Construction

Next week there is a second pre-application meeting for 43 townhome units in the Auke Bay area, noted Mr. Hart. People are already calling and attempting to preregister for ownership of one of those townhomes, he said.



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: September 9, 2015

File No.: SMF2015 0006

Bicknell, Inc.
PO Box 33517
Juneau, AK 99803

Application For: A Final Plat for 15 new lots for Phase 2B of the Montana Creek West PUD subdivision.

Legal Description: Montana Creek West 2A Lot 30A

Parcel Code No.: 4-B29-0-116-040-0

Hearing Date: September 8, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 26, 2015, and approved the final plat to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

Condition

Prior to recording Phase 2B of the Montana Creek West PUD Subdivision, the applicant shall show a temporary 40-foot radius turn-around at the northern end of Glacier Bear Boulevard. The turn-around shall be shown as an easement on the plat and dedicated for CBJ access and maintenance.

Attachment: August 26, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMF2015 0006.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

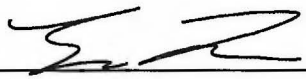
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, September 8, 2015.

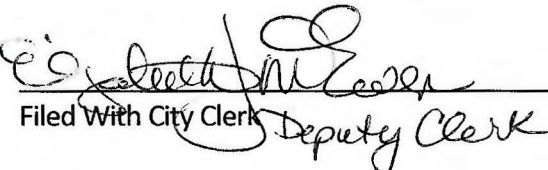
Bicknell, Inc.
File No.: SMF2015 0006
September 9, 2015
Page 2 of 2

For Phased Subdivisions Only

Approval of a final plat consisting of a portion of the preliminary plat will not extend the expiration date of the remaining lots.

Project Planner: 
Eric Feldt, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk Deputy Clerk Date 9/11/2015

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

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

DATE: August 26, 2015

TO: Planning Commission

FROM: Eric Feldt, Planner II, AICP, CFM
Community Development Department

FILE NO.: SMF2015 0006

PROPOSAL: A Final Plat for 15 new lots for Phase 2B of the Montana Creek West PUD subdivision.

GENERAL INFORMATION

Applicant: Bicknell, Inc.

Property Owner: Bicknell, Inc.

Legal Description: Montana Creek West 2A Lot 30A

Parcel Code No.: 4-B29-0-116-040-0

Site Size: 16.9 Acres

**Comprehensive Plan Future
Land Use Designation:** Urban Low Density Residential

Zoning: D-3

Utilities: Public Water and Sewer

Access: Montana Creek Road

Existing Land Use: Single Family Residential

Surrounding Land Use:
North – D-3; Vacant (Future Subdivision Phases)
South – D-3; Single Family Residential; Mendenhall Loop Rd
East – D-1; Single Family Residential; Trappers Lane
West – RR; Vacant CBJ Land

Planning Commission
File No.: SMF2015 0006
August 26, 2015
Page 2 of 14

VICINITY MAP



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 File No.: SMF2015 0006
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ATTACHMENTS

Attachment	A	Application
Attachment	B	Proposed Final Plat Layout
Attachment	C	Proposed Construction Drawings
Attachment	D	Preliminary Plat Decision + Sidewalk Design
Attachment	E	Entire Subdivision Layout
Attachment	F	Ph. 2A Memorandum SMP2015-0004

PROPOSAL

The applicant received an approved Preliminary Plat (SMP2015 0004) for Phase 2B of the Montana Creek West Planned Unit Development (PUD) subdivision on June 9th, 2015. This approval allowed the applicant to file the subject Final Plat (SMF2015 0006) to enable the platting of 15 new lots. The subdivision layout is provided in Attachment B. Phase 2B establishes 15 new residential lots and extends Timberwolf Lane and Glacier Bear Boulevard rights-of-way (ROW). Both streets will have sidewalks. The proposed construction drawings showing the new streets and sidewalks are provided under Attachment C. Each lot may be built with a single family home with or without an accessory apartment. This is the third phase to be permitted for the subdivision.

BACKGROUND

The Montana Creek West PUD subdivision was approved by the Planning Commission in 2005 (SUB2005-0048) and allowed 114 homes upon 86 lots. The Commission established many aspects of the subdivision such as the layout, wetland preservation area, density, total number of units, etc.

In 2006, Phase 1 was approved and resulted in platting 28 new lots. Phase 2 was separated into Phases 2A and 2B. Phase 2A (SMF2012 0001) was approved in 2013 and established 12 new lots. Phase 2B preliminary plat subdivision (SMP2015 0004) was approved on June 9th, 2015 for 15 new lots. Phase 2B Final Plat review to plat 15 new lots is the subject of the memorandum.

The Commission conditionally approved SMP2015 0004 with modifications to the original subdivision layout (SUB2005-00048). The decision can be read under Attachment D. The modification allowed the applicant to extend the existing sidewalk along the south side of Timberwolf Lane to a new sidewalk along the east side of Glacier Bear Boulevard. The original subdivision layout (Attachment E) indicated future sidewalks to be along the northern side of Timberwolf Lane and the western side of Glacier Bear Boulevard. The Commission's decision labeled this sidewalk modification Attachment H, which is provided under Attachment D of the subject memorandum. The applicant's submitted sidewalk plan is consistent with Attachment H.

The Commission approved SMP2015 0004 with the following condition:

The applicant should consider amending the Planned Unit Development in regard to sidewalk design so that future phases would be reviewed for conformance with the

Planning Commission
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 August 26, 2015
 Page 4 of 14

potentially revised sidewalk plan.

The applicant will amend the PUD's sidewalk design during future subdivision phases. Staff recommends this condition be a condition of the subject memorandum.

ANALYSIS

Zoning

All proposed lots of Phase 2B are similar in size and dimension to those existing in Phases 1 and 2A, between 6,000 and 10,000 square feet in size and 90' deep x 70' wide (approximate). This is also in keeping with the subdivision's underlying zoning density of 3 units per acre (D3 district).

Drainage

Phase 2B consists of wetlands, ponds, and a variety of vegetation. Future development will drain toward the extended Timberwolf Lane and Glacier Bear Boulevard drainage systems. CBJ Engineering Department will ensure the proposed drainage facilities are adequately sized for this subdivision phase.



Figure 1: Looking north at the temporary dead-end of Glacier Bear Boulevard. This road will be extended in Phase 2B. Lone Wolf Drive is to the immediate right (east). Picture taken by CDD staff on 4/6/15.

Wetlands

Lot 29 is preserved for wetlands, open space, and riparian habitat of Montana Creek, as required as a condition of the rezoning of the subdivision boundary (Ord. 2005-31: D-1 to D-3 (present zone)). This preservation allows wetlands within the phases of the developing part of the overall

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subdivision to occur.

Habitat

Besides wetlands, there is no other habitat affected by Phase 2B that is regulated by Title 49, the Land Use Code.

Access

Timberwolf Lane will be extended to Glacier Bear Boulevard and make a loop. Glacier Bear Boulevard will have a temporary dead spur at the north end of the street. This does not have to contain a fire apparatus turn around because the loop and 'T' shaped intersection between the two streets provide a turn around.



Figure 2: Looking west along Timberwolf Lane towards the future street extension. The sidewalk, street lights, and paved roadbed will continue with the new street section. Picture taken by CDD staff on 4/6/15.

Pedestrian Access

As indicated earlier, the applicant will extend the existing sidewalk (Figure 2) along the south side of Timberwolf Lane to a new sidewalk along the east side of Glacier Bear Boulevard. The sidewalk will eventually link pedestrians to the future park, which will be built during a later subdivision phase.

The applicant's submitted plat (Attachment B) has been reviewed pursuant to CBJ 49.15.440 *Final Plat Article VI Planned Unit Development*, as well as the original PUD approval (SUB2005-0048). The findings under these sections are provided below with staff's review comments.

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49.15.440 - Final plat

After completion of all conditions and commission acceptance of the preliminary plat in accordance with conditional use permit procedures, the final plat shall be submitted for review and approval according to the following:

(1) Final plat submittal. The final plat may constitute only that portion of the approved preliminary layout which the developer proposes to record and develop at the time of submittal, so long as such portion itself meets the requirements of this title without reference to possible future stages. The final plat shall be prepared by a professional land surveyor, registered in the state, shall be filed with the department and shall meet the survey, monumentation, and certification requirements established by the commission by regulation under chapter 01.60.

The submitted final plat under Attachment B was prepared by a professional land survey, registered in the state and meets the survey, monumentation, and certification requirements established by the commission by regulation under chapter 01.60

(2) Approval procedure.

(A) After acceptance of an application and a final plat the director shall schedule the final plat for commission action.

The subject Final Plat (SMF2015 0006) application has been scheduled for the September 8, 2015 Planning Commission hearing.

(B) If commission action on the final plat is scheduled to occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.

Public notice of impending commission action is not required as the Final Plat is scheduled approximately only three months after the Commission's approval of the Preliminary Plat (SMP2015 0004) on June 9, 2015 and Commission's scheduled action of the subject Final Plat (SMF2015 0006) on September 8, 2015.

(C) The director shall make a recommendation to the commission. The recommendation shall include a description of the manner in which all conditions of the preliminary plat have been met.

The director's recommendation on the subject final plat is provided under RECOMMENDATION of the subject memorandum.

The following condition of the preliminary plat is provided below.

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SMP2015 0004 Notice of Decision Condition

The applicant should consider amending the Planned Unit Development in regard to sidewalk design so that future phases would be reviewed for conformance with the potentially revised sidewalk plan.

As noted earlier, the applicant will amend the PUD sidewalk design for future phases of the Montana Creek West PUD subdivision. The applicant provided a sidewalk plan for the current subdivision phase in Attachment D.

(3) Commission action. The commission shall approve the final plat if the plat substantially conforms to the approved preliminary plat and all applicable conditions have been satisfactorily completed.

The applicant's proposed subdivision layout of Phase 2B substantially conforms to the approved preliminary plat (SUB2005-00048). Staff recommends minor changes be made which are addressed in finding (4) listed below.

(4) Notes, restrictions and covenants. The commission may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with subdivision regulations. 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 restrictive covenant in favor of the municipality and the public, and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality by injunction or other appropriate action, in the same manner as a permit or permit condition, pursuant to CBJ 49.10.600—660, or by any specifically affected member of the public.

Plat notes of the subdivision's first phase continue to be carried on to the plat of each subsequent phase. Minor modifications to some plat notes are necessary during each phase. See proposed changes below.

Proposed Changes To Plat Notes

- Plat Note 1: THE TOTAL NUMBER OF DWELLING UNITS PER LOT ALLOWED FOR LOTS 1-~~15~~ **28** IS ONE (1).
- Plat Note 2: THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF MONTANA CREEK WEST PUD. FENCES, SHEDS, DECKS, PATIOS, AND ALL OTHER STRUCTURES ARE NOT ~~BEING~~ ALLOWED IN THE PERIMETER BUFFER. DISTURBANCE TO THIS BUFFER IS LIMITED TO SELECTIVE TRIMMING OF BRANCHES, AND SMALL BUSHES. SEE NOTE 3.
- Plat Note 3: Change "...LOTS 1-15..." to "...LOTS 1-28..."

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- Plat Note 4: BY THIS PLAT AN EASEMENT IS GRANTED TO THE RESIDENTS OF MONTANA CREEK WEST ~~PHASE 2B~~ ON ALL COMMON OPEN AREAS WITHIN THIS SUBDIVISION FOR THE PURPOSE OF ACCESS FOR RECREATIONAL USES AND TO ALLOW FOR THE DEVELOPMENT OF HIKING/ WALKING TRAILS AND WETLANDS ENHANCEMENT POTENTIAL.
- Rename LOT 30B to LOT 30A1.

The applicant has made the above changes to the Final Plat (Attachment B).

49.15.640 - Final planned unit development plan approval.

(a) Application. Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.

The developer has submitted a final plat subdivision application, paid the associated fee, and submitted a subdivision layout for commission approval.

(b) Homeowners' association.

(1) The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08, or this chapter, shall be prepared by a lawyer licensed to practice in the state.

Not Applicable. There are no by-laws or a Homeowner's Association established for the Montana Creek West PUD because there are no community-owned or maintained areas or facilities.

(2) The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

Not Applicable. Again, there are no community-owned or maintained areas or facilities. All roads will be maintained by the CBJ. Sidewalks, drainages will be maintained by individual property owners. There are no areas yet established to be maintained collectively by the residents of Montana Creek West PUD. There will be a new park within the PUD, which will be built during a later phase and dedicated to the CBJ, according to the original preliminary plat (SUB2005-00048).

(3) If planned unit development utilities or streets are not accepted for maintenance by the City and Borough, the homeowners' association documents shall clearly indicate that a special assessment may be levied in the

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future for extraordinary repairs or to perform necessary work in order to connect or dedicate common facilities to the City and Borough system. If the planned unit development is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

Not Applicable. The utilities and streets are built to be accepted for maintenance by the CBJ. There are no common open space/ facilities maintained by the collective residents of Montana Creek West PUD.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

Not Applicable.

(c) Commission action. The commission shall approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

This has been addressed above under Findings (3) and (4).

(d) Expiration. An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

49.15.650 - Phased development.

(a) Phasing allowed. An applicant may develop a planned unit development in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire planned unit development on the neighborhood and the environment according to the standards in subsection 49.15.630(b)(5).

The cumulative effects of the entire Montana Creek West PUD (86 lots/ 114 dwelling units) were addressed in the initial preliminary subdivision plan (SUB2005-00048). The subject proposal and first two phases do not exceed the overall number of lots or dwellings.

49.15.630(b)(5)

Description of phased development. The preliminary development plan for a phased planned unit development shall include:

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(A) A drawing and development schedule for each phase and for the entire planned unit development;

The drawing of the entire planned unit development is provided in Attachment E. The applicant does not have a development schedule for building the remaining phases.

The first phase started in 2006, followed by Phase 2A in 2013. These two phases, plus the subject phase, result in a total of 57 lots of the total 86 permitted in the original subdivision permit (SUB2005-00048).

(B) The size and general location of proposed land uses for each phase at a projected level of density;

Attachment E provides the general information for each phase.

(C) A description of the streets connecting all the phases and where they will connect at the planned unit development boundaries;

Attachment E provides the general information of existing and future street connections.

(D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;

According to the original preliminary plat approval, cumulative impacts of the development on the neighborhood and natural environment will be reduced by preserving perimeter vegetative buffers, dedicating a large wetland preservation lot, and restrictions on further subdivisions within each phase.

(E) A description of the overall design theme unifying the phases; and

The overall design was addressed under the original preliminary plat review (SUB2005-00048).

(F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.650(b).

49.15.650(b) Completion of an individual phase.

Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire planned unit development. Construction and completion of common open space and common facilities serving each phase in a planned unit development shall

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proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete.

Staff has reviewed the application pursuant to 49.15.650(b).

(b) Completion of an individual phase. Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire planned unit development. Construction and completion of common open space and common facilities serving each phase in a planned unit development shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete.

Approval of the Preliminary Plat for Phase 2B (SMP2015 0004) ensures that the density and design of Phase 2B is consistent with the entire PUD with the modification of the sidewalk design. The sidewalk design for Phase 2B (Attachment D) provides pedestrian safety and movement throughout the entire PUD.

(c) Standards for phases. Each phase of a planned unit development shall be reviewed according to the provisions of this chapter then current. Each phase of a planned unit development shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

The density of Phase 2B and earlier phases do not exceed the cumulative PUD's allowed density established in the original preliminary plat (SUB2005-00048).

ADOPTED PLANS

2013 Comprehensive Plan

The Comprehensive Plan provides a 20-year outlook on how the community should be developed, preserved, or maintained. The Plan designates areas of land for general uses. The Comprehensive Plan designates the subject neighborhood as Urban Low Density Residential (ULDR), which is defined as urban or suburban lands with detached and attached single family residences, bungalow housing, etc. at densities of 1-6 units per acre. Commercial uses are allowed but should be at a residential scale. The subject proposal will continue the construction of single family homes at a density up to three units per acre. The proposal is consistent with the ULDR land designation.

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The Comprehensive Plan recommends many policies pertaining to the need for more housing opportunities for the community due to a severe housing shortage. The following policies of the Comprehensive Plan are germane to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. Page 37.

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. Page 129

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. Page 130.

The proposal will provide for more residential development in an area with public utilities in a PUD that allows flexible lot configurations. The proposal is consistent with the Comprehensive Plan.

2009 Non-Motorized Transportation Plan

The goal of this Plan is to promote active transportation by guiding development of a community wide bicycle and pedestrian network that can be used by all Juneau residents. The Plan acts as a design guideline that recommends pedestrian amenities for existing and future development.

Though the Plan does not specifically mention Montana Creek West subdivision or Lone Wolf Drive, it does state the following safety measures germane to the proposal:

- Sidewalks to be at least five' wide with curb cuts or ramps at intersections w/ tactile warning
- Narrower travel lanes to shorten the pedestrian crossing distance and slow traffic
- Additional street lights to increase visibility of pedestrians and bicyclists
- Tighten corner curb radii to slow traffic, shorten pedestrian crossing distances and provide space for perpendicular curb ramps
- Crosswalks that are easy to see and last a long time. Continental or ladder style crosswalks are marked with thick white lines perpendicular to the direction of travel, are easy to see and long lasting.

The proposal contains sidewalks along every street and crosswalks where needed. Therefore, the proposal meets the intent of the Non-Motorized Transportation Plan.

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FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.300 (e)(1)(A through C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The proposed subdivision is appropriate according to the Table of Permissible Uses.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed subdivision complies with the other requirements of this chapter. Public notice of this project was provided in the August 28th and September 7th issues of the Juneau Empire's "Your Municipality" section. Prior to the preliminary plat review of Phase 2B, Notice of Public

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Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

4. *Will the proposed development materially endanger the public health or safety?*

No. During the preliminary plat review of Phase 2B, the Commission found that the health and safety of the public will not be materially endangered.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. During the preliminary plat review of Phase 2B, the Commission found that property value will not be decreased nor neighborhood harmony be negatively affected.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. During the preliminary plat review of Phase 2B, the Commission found that this phase is in general conformity with adopted plans.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Yes. During the preliminary plat review of Phase 2B, the Commission found that this was met with the preservation of Lot 29 as a wetland preservation area. This was required from the original preliminary plat approval (SUB2005-00048).

RECOMMENDATION

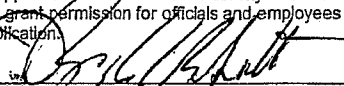
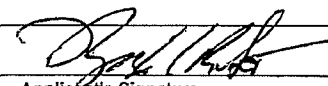
Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Final Plat permit. The permit would allow for the recordation of 15 new lots with the following condition:

Condition

The applicant should consider amending the Planned Unit Development in regard to sidewalk design so that future phases would be reviewed for conformance with the potentially revised sidewalk plan.

DEVELOPMENT PERMIT APPLICATION

Project Number SMF 20150006	CITY and BOROUGH of JUNEAU	Date Received: 7/30/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Montana Creek Phase 2B, A subdivision of Lot 30A into Lots 1-15		
	PROPERTY LOCATION		
	Street Address Timberwolf Lane	City/Zip 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Montana Creek West Phase 2B, Subdivision of Lot 30A		
	Assessor's Parcel Number(s)		
	LANDOWNER/LESSEE		
	Property Owner's Name Bicknell, Inc.	Contact Person: Spike Bicknell	Work Phone:
	Mailing Address P.O. Box 33517, Juneau, Alaska, 99803	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	LANDOWNER/LESSEE CONSENT I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X  Date July 30 2015 Landowner/Lessee Signature X _____ Landowner/Lessee Signature Date		
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X  Date _____ Applicant's Signature Date of Application			

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	Sign	Date Received
		Building/Grading Permit		
		City/State		
		Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	Comments:			
***Public Notice Sign Form filled out and in the file.				
			Permit Intake Initials EST	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 REFORMED 12/10/10
 Revised November 2009

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number <u>SMF 2217 0006</u>	Date Received
----------------	------------------------------	-------------------------------------	---------------

TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

☐ Preliminary Plat	(SMP)	☒ Final Plat	(SMF)
☐ Planned Unit Development- Preliminary Plan Approval	(PDP)	☐ Planned Unit Development - Final Plan Approval	(PDF)
☐ Other _____			

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED:

Lots 1-15, Montana Creek West Phase 2B

Number of Existing Parcels 1 Total Land Area 16.90 Ac. Number of Resulting Lots or Parcels 15

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO

CURRENT USE OF LAND OR BUILDING(S):

Equipment Storage Area for Bicknell, Inc.

PROPOSED USE OF LAND OR BUILDING(S):

Residential Development

UTILITIES AVAILABLE:WATER: ☒ Public ☐ On SiteSEWER: ☒ Public ☐ On Site**UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):**

Undeveloped land

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

SUBDIVISION/PLATTING/PUD FEES

Fees	Check No.	Receipt	Date
Application Fees <u>\$400.00</u>	<u>21623</u>	<u>CDD6931</u>	<u>7/30/15</u>
Admin. of Guarantee			
Adjustment			
Pub. Not. Sign Fee			
Pub. Not. Sign Deposit			
Total Fee <u>\$400.00</u>			

\$4,050 586 7/30/15 (15 x \$270 = 1,050)

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

R & M ENGINEERING, INC.
6205 Glacier Highway
Juneau, Alaska 99801
(907) 780-6060
FAX (907) 780-4611

LETTER OF TRANSMITTAL

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Date 7/29/2015	Job No. 151307
Attention Eric Feldt	
RE: Montana Creek West Phase 2B	

TO:
CBJ
155 South Seward Street
Juneau, AK 99801

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
5	7-29-15		Full Size Subdivision Plat
2	7-29-15		Half Size Subdivision Plat
1	7-29-15		Construction Plans for Subdivision
1	7-29-15		Utility Conflict Check Report
1	7-29-15		Lot Closure Comps

THESE ARE TRANSMITTED as checked below:

☐ For use and files	☐ Approved as submitted	☐ Resubmit ___ copies for approval
☐ For signature	☐ Approved as noted	☐ Submit ___ copies for distribution
☐ As requested	☐ Returned for corrections	☐ Return ___ corrected prints
☒ For review and comment		
☐ FOR BIDS DUE _____	☐ PRINTS RETURNED AFTER LOAN TO US	

REMARKS

Final Plat Submittal

(We are currently submitting to ADEC for water/sewer extension permits)

COPY TO: FILE

If enclosures are not as noted, kindly notify us at once.

Attachment D - Phase 2B

ATTACHMENT A

Montana Creek West - Phase 2B
Utility Crossings

	Station	Offset	FG El. (ft)	Pipe	I.E. (ft)		Station	Offset	FG El. (ft)	Pipe	I.E. (ft)
1	'A' 11+44.59	16.26' RT	65.61	18" CPP	61.12	10	'B' 10+32.77	10.84' RT	66.33	18" CPP	62.27
				4" PVC Sewer	60.73					8" D.I. Water	59.00
				Clearance: 0.06						Clearance:	
2	'A' 11+77.37	9.95' LT	65.44	18" CPP	61.56	11	'B' 11+18.71	11.50' RT	66.86	8" D.I. Water	60.00
				8" PVC Sewer	60.69					4" PVC Sewer	61.05
				Clearance: 0.20						Clearance: 0.38	
3	'A' 11+77.14	5.42' RT	65.58	18" CPP	61.2	12	'B' 11+30.93	11.10' RT	66.95	8" D.I. Water	60.14
				8" D.I. Water	56.94					4" PVC Sewer	60.99
				Clearance: 3.59						Clearance: 0.18	
4	'A' 12+95.08	6.25' RT	66.30	8" D.I. Water	59.06	13	'B' 11+84.20	3.61' LT	67.52	12" CPP	63.33
				8" PVC Sewer	61.40					8" PVC Sewer	60.46
				Clearance: 1.67						Clearance: 2.2	
5	'A' 13+10.25	6.25' LT	66.40	12" CPP	62.74	14	'B' 12+43.07	6.25' LT	67.82	12" CPP	63.25
				8" PVC Sewer	61.69					8" D.I. Water	61.43
				Clearance: 0.38						Clearance: 1.15	
6	'A' 13+10.25	6.25' RT	66.40	12" CPP	62.67	15	'B' 12+63.74	5.98' RT	67.96	8" D.I. Water	61.67
				8" D.I. Water	59.24					4" PVC Sewer	60.31
				Clearance: 2.76						Clearance: 1.03	
7	'A' 14+20.80	6.25' LT	67.11	12" CPP	63.46	16	'B' 12+64.73	5.78' RT	67.97	8" D.I. Water	61.68
				8" PVC Sewer	62.35					4" PVC Sewer	60.30
				Clearance: 0.44						Clearance: 1.05	
8	'A' 14+20.80	6.25' RT	67.11	12" CPP	63.39	17	'B' 13+24.20	9.13' LT	68.27	12" CPP	64.30
				8" D.I. Water	61.16					8" PVC Sewer	59.53
				Clearance: 0.9						Clearance: 4.10	
9	'B' 10+28.19	2.72' LT	66.55	18" CPP	62.36	18	'B' 13+24.20	5.48' LT	68.38	12" CPP	64.21
				8" PVC Sewer	61.26					8" D.I. Water	62.06
				Clearance: 0.43						Clearance: 1.48	

Minimum Cover			
CBJ Type	24"	18"	12"
I	3.68'	3.13'	2.60'
III			2.35'
IV		2.96'	2.43'

MONTANA CREEK WEST PHASE 2B – CLOSURE COMPS

Lot 1

Segment #1 : Line

Course: N89° 56' 10.84"E Length: 67.500'

Segment #2 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 67.500'

Segment #4 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Perimeter: 315.000' Area: 6075.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 315000000.000

Lot 2

Segment #1 : Line

Course: N89° 56' 10.84"E Length: 67.500'

Segment #2 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 67.500'

Segment #4 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Perimeter: 315.000' Area: 6075.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 315000000.000

Lot 3

Segment #1 : Line

Course: N89° 56' 10.84"E Length: 70.000'

Segment #2 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 70.000'

Segment #4 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Perimeter: 320.000' Area: 6300.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 320000000.000

Lot 4

Segment #1 : Line

Course: N89° 56' 10.84"E Length: 70.000'

Segment #2 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 70.000'

Segment #4 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Perimeter: 320.000' Area: 6300.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 320000000.000

Lot 5

Segment #1 : Line

Course: N89° 56' 10.84"E Length: 59.231'

Segment #2 : Line

Course: S00° 03' 49.16"E Length: 90.000'

R&M Engineering
Project #151307
7-29-2015

Segment #3 : Line
Course: S89° 56' 10.84"W Length: 78.262'

Segment #4 : Curve
Length: 61.547' Radius: 530.000'
Delta: 006.6535 (d) Straight: 30.808'
Chord: 61.512' Course: N05° 22' 00.52"W
Course In: S87° 57' 35.80"W Course Out: N81° 18' 23.17"E

Segment #5 : Curve
Length: 43.035' Radius: 25.000'
Delta: 098.6299 (d) Straight: 29.081'
Chord: 37.915' Course: N40° 37' 17.00"E
Course In: N81° 18' 23.17"E Course Out: N00° 03' 49.16"W

Perimeter: 332.075' Area: 7218.21 Sq. Ft.
Error Closure: 0.0007 Course: S89° 50' 44.01"E
Precision 1: 474392.857

Lot 6

Segment #1 : Line
Course: N89° 56' 10.84"E Length: 101.906'

Segment #2 : Curve
Length: 114.721' Radius: 470.003'
Delta: 013.9851 (d) Straight: 57.647'
Chord: 114.437' Course: S06° 14' 04.28"W
Course In: S89° 14' 31.04"W Course Out: S76° 46' 22.47"E

Segment #3 : Line
Course: N57° 29' 20.42"W Length: 62.759'

Segment #4 : Line
Course: N46° 39' 47.10"W Length: 32.229'

Segment #5 : Line
Course: N12° 46' 57.68"W Length: 59.267'

Perimeter: 370.882' Area: 8093.25 Sq. Ft.
Error Closure: 0.0002 Course: N41° 41' 26.50"E

Precision 1: 1854410.000

Lot 7

Segment #1 : Curve

Length: 69.653' Radius: 470.000'

Delta: 008.4911 (d) Straight: 34.890'

Chord: 69.589' Course: S05° 00' 13.09"E

Course In: S80° 45' 02.93"W Course Out: N89° 14' 30.88"E

Segment #2 : Line

Course: S89° 56' 10.84"W Length: 101.906'

Segment #3 : Line

Course: N12° 46' 57.68"W Length: 61.254'

Segment #4 : Line

Course: N89° 56' 10.84"E Length: 50.156'

Segment #5 : Line

Course: N80° 45' 02.93"E Length: 60.013'

Perimeter: 342.981' Area: 6685.14 Sq. Ft.

Error Closure: 0.0005 Course: N58° 53' 13.39"W

Error North: 0.00025 East: -0.00041

Lot 8

Segment #1 : Curve

Length: 28.986' Radius: 470.000'

Delta: 003.5335 (d) Straight: 14.497'

Chord: 28.981' Course: S11° 00' 57.38"E

Course In: S77° 13' 02.32"W Course Out: N80° 45' 02.93"E

Segment #2 : Line

Course: S80° 45' 02.93"W Length: 60.013'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 50.156'

Segment #4 : Line
Course: N12° 46' 57.68"W Length: 60.108'

Segment #5 : Line
Course: N89° 56' 10.84"E Length: 50.658'

Segment #6 : Line
Course: N77° 13' 02.32"E Length: 60.303'

Segment #7 : Line
Course: S12° 46' 57.68"E Length: 34.730'

Perimeter: 344.953' Area: 6693.73 Sq. Ft.
Error Closure: 0.0010 Course: S29° 06' 22.33"E
Precision 1: 344954.000

Lot 9

Segment #1 : Line
Course: S12° 46' 57.68"E Length: 61.869'

Segment #2 : Line
Course: S77° 13' 02.32"W Length: 60.303'

Segment #3 : Line
Course: S89° 56' 10.84"W Length: 50.658'

Segment #4 : Line
Course: N12° 46' 57.68"W Length: 64.714'

Segment #5 : Line
Course: N89° 56' 10.84"E Length: 63.577'

Segment #6 : Line
Course: N77° 13' 02.32"E Length: 47.700'

Perimeter: 348.822' Area: 6946.64 Sq. Ft.
Error Closure: 0.0012 Course: N71° 18' 26.92"W
Precision 1: 290684.167

Lot 10

Segment #1 : Line

Course: S12° 46' 57.68"E Length: 62.094'

Segment #2 : Line

Course: S77° 13' 02.32"W Length: 47.700'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 63.577'

Segment #4 : Line

Course: N12° 46' 57.68"W Length: 72.860'

Segment #5 : Line

Course: N89° 56' 10.84"E Length: 112.478'

Perimeter: 358.709' Area: 7737.26 Sq. Ft.

Error Closure: 0.0012 Course: S75° 06' 26.78"E

Precision 1: 298924.167

Lot 11

Segment #1 : Line

Course: N12° 46' 57.68"W Length: 73.611'

Segment #2 : Line

Course: N89° 56' 10.84"E Length: 102.910'

Segment #3 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Segment #4 : Line

Course: S89° 56' 10.84"W Length: 42.281'

Segment #5 : Curve

Length: 16.852' Radius: 130.000'

Delta: 007.4271 (d) Straight: 8.438'

Chord: 16.840' Course: S86° 13' 21.97"W

Course In: S00° 03' 49.16"E Course Out: N07° 29' 26.89"W

Segment #6 : Curve

Length: 36.961' Radius: 25.000'

Delta: 084.7081 (d) Straight: 22.791'

Chord: 33.686' Course: N55° 08' 12.29"W

Course In: N07° 29' 26.89"W Course Out: S77° 13' 02.32"W

Perimeter: 362.615' Area: 8305.92 Sq. Ft.

Error Closure: 0.0006 Course: S89° 07' 40.95"W

Precision 1: 604358.333

Lot 12

Segment #1 : Line

Course: S89° 56' 10.84"W Length: 70.000'

Segment #2 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Segment #3 : Line

Course: N89° 56' 10.84"E Length: 70.000'

Segment #4 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Perimeter: 320.000' Area: 6300.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 320000000.000

Lot 13

Segment #1 : Line

Course: N89° 56' 10.84"E Length: 70.000'

Segment #2 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Segment #3 : Line

Course: S89° 56' 10.84"W Length: 70.000'

Segment #4 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Perimeter: 320.000' Area: 6300.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 320000000.000

Lot 14

Segment #1 : Line

Course: S89° 56' 10.84"W Length: 70.000'

Segment #2 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Segment #3 : Line

Course: N89° 56' 10.84"E Length: 70.000'

Segment #4 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Perimeter: 320.000' Area: 6300.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 320000000.000

Lot 15

Segment #1 : Line

Course: S89° 56' 10.84"W Length: 70.000'

Segment #2 : Line

Course: N00° 03' 49.16"W Length: 90.000'

Segment #3 : Line

Course: N89° 56' 10.84"E Length: 70.000'

Segment #4 : Line

Course: S00° 03' 49.16"E Length: 90.000'

Perimeter: 320.000' Area: 6300.00 Sq. Ft.

Error Closure: 0.0000 Course: N00° 00' 00.00"E

Precision 1: 320000000.000

#151307.1

Jake Graves

From: Eric Feldt <Eric.Feldt@juneau.org>
Sent: Thursday, July 02, 2015 9:52 AM
To: 'Jake Graves'
Cc: Mark Pusich
Subject: RE: MCW PH2B

Jake,

Please submit a Subdivision Application, Development Permit Application, Construction Drawings, and \$400 fee to file the Final Plat. You can find these applications at the following CBJ website:

<http://www.juneau.org/cddftp/landpermit.php>

Sincerely,

Eric Feldt, CBJ Planner II, CFM
155 South Seward Street
Juneau, Alaska 99801
Ph: (907) 586-0764
Email: Eric.Feldt@juneau.org

From: Jake Graves [<mailto:jgraves@rmjuneau.com>]
Sent: Wednesday, July 01, 2015 2:55 PM
To: Eric Feldt
Cc: Mark Pusich
Subject: MCW PH2B

Eric,

We are nearly complete with the construction plans for phase 2B. Is there anything else you will need from us to get final plat approval?

Thanks,

- Jacob Graves
R&M Engineering

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R&M Engineering, Inc.
6205 Glacier Highway
Juneau, AK 99801
907-780-6060

WELLS FARGO BANK, NA
89-5/1252

21623

7/30/2015

\$ **400.00

PAY TO THE ORDER OF City & Borough of Juneau

Four Hundred and 00/100*****

VOID AFTER 90 DAYS

Michael C. Story

City & Borough of Juneau
Finance Dept., Sales Tax Division
155 S. Seward St
Juneau, AK 99801

151307.1 subdivision permit

11022623 125200057100000494011

151307.1

Details on Back

Intuit® CheckLock™ Secure Check

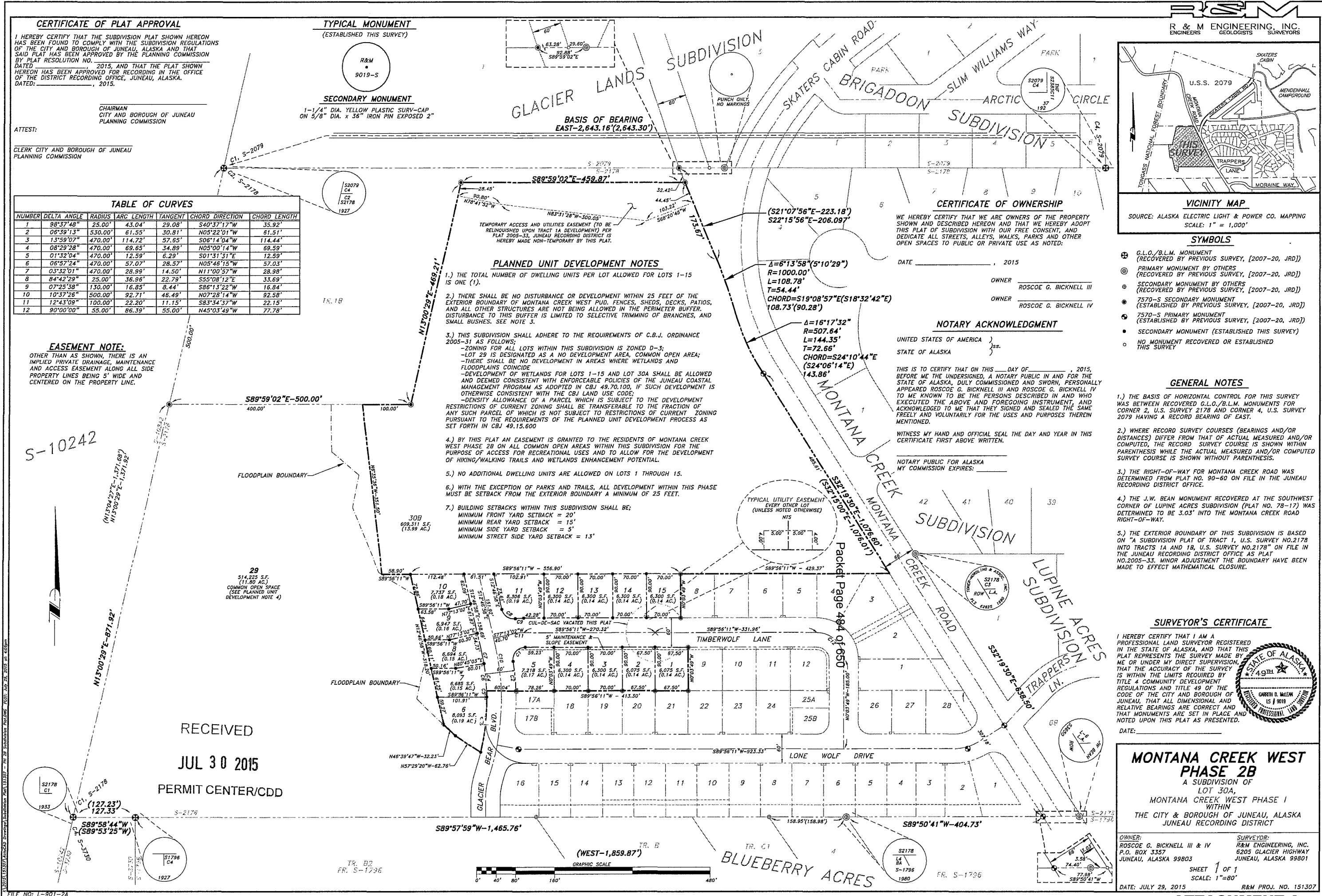
City and Borough of Juneau

Payment Date Thursday, July 30, 2015
Deposit Number 25011
Operator Theresa Ross

Land Management \$400.00
Application # SMF20150006
ROSCOE BICKNELL III

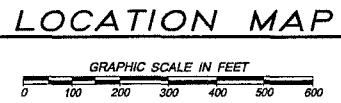
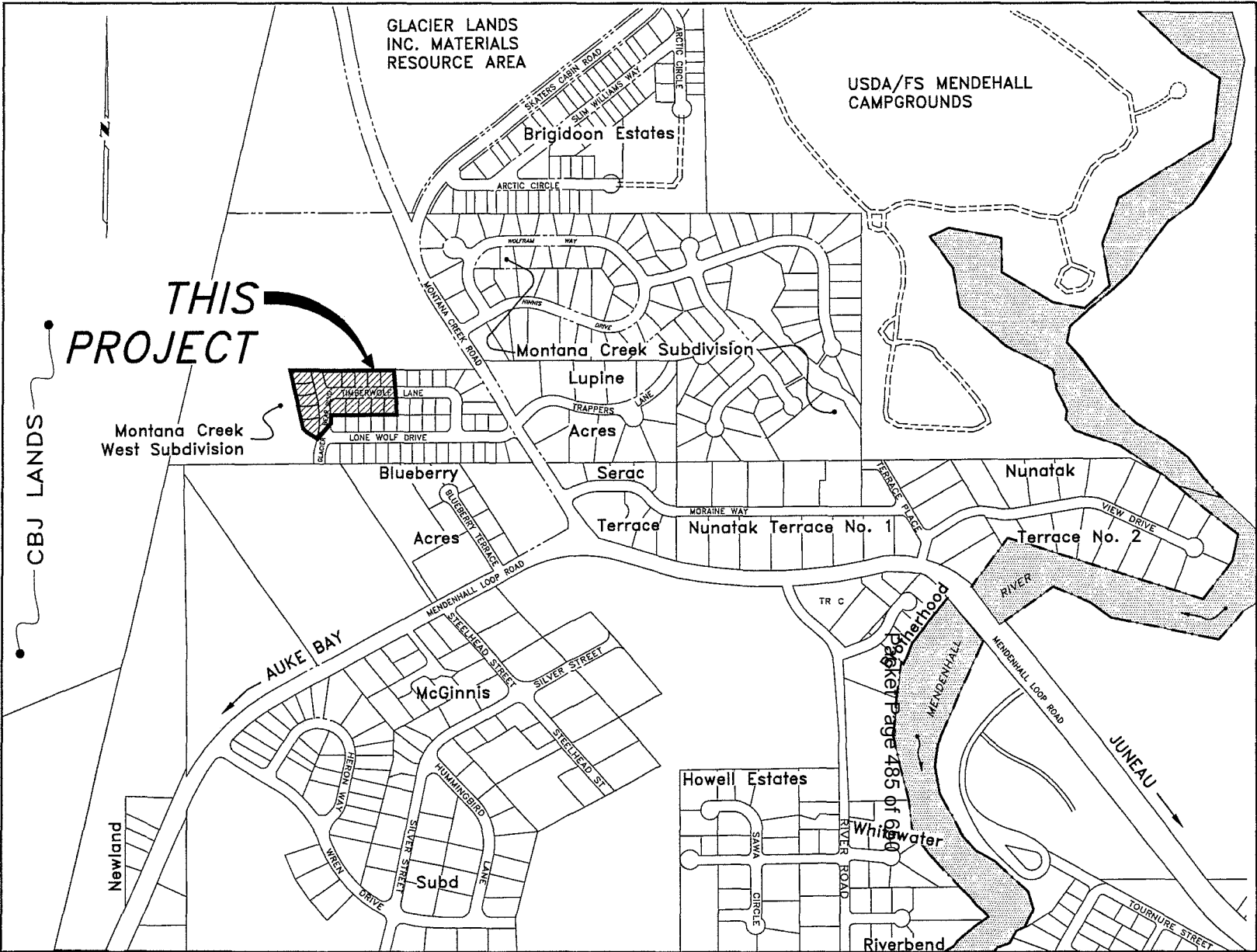
Total Paid \$400.00
Check \$400.00
Change \$0.00

Receipt Number CDD00006931
7/30/2015 10:06:34 AM
Paid By R&M Engineering Inc.
Cashier Id. CDD



CONSTRUCTION IMPROVEMENT PLANS
FOR
MONTANA CREEK WEST
PHASE 2B
PLANNED UNIT DEVELOPEMENT
CITY & BOROUGH OF JUNEAU, ALASKA

SHEET INDEX	
SHEET	DESCRIPTION
C1	COVER SHEET
C2	EXISTING TOPOGRAPHIC MAP
C3	CONSTRUCTION DETAILS TYPICAL ROADWAY SECTION, GENERAL CONSTRUCTION NOTES, STANDARD DETAIL TABLE
C4	SURVEY CONTROL DIAGRAM
C5	PLAN VIEW STA 'A' 10+00 TO STA 'A' 12+57
C6	PLAN VIEW STA 'A' 12+57 TO STA 'A' 14+40 STA 'B' 10+00 TO STA 'B' 11+45
C7	PLAN VIEW STA 'B' 11+45 TO STA 'A' 13+50
C8	ROADWAY PROFILES
C9	SUBDIVISION GRADING PLAN
C10	EROSION CONTROL PLAN, DETAILS



SYMBOLS		
EXISTING	PROPOSED	
		PRIMARY MONUMENT BY OTHERS (RECOVERED)
		SECONDARY MONUMENT BY OTHERS (RECOVERED)
		C.L. SPIKE MON. TO BE SET AFTER PAVING
		PROPERTY / BOUNDARY LINE
		PROJECT BASELINE
		SANITARY SEWER MANHOLE
		SANITARY SEWER LINE
		SANITARY SEWER ENCASEMENT
		RIGID INSULATION CBJ, STD. DET. NO. 412
		STORM DRAIN PIPE
		STORM DRAIN MANHOLE
		STORM DRAIN CATCH BASIN
		CONCRETE HEADWALL
		CURB AND GUTTER
		DRIVEWAY CURB CUT
		WATER LINE
		WATER VALVE
		FIRE HYDRANT
		STREET LIGHT
		TRAFFIC CONTROL SIGN
		TOP OF BANK/SHOULDER (HATCHURES POINT DOWNSLOPE)
		CUT SLOPE LIMITS
		FILL SLOPE LIMITS
		SAW-CUT LINE
		DITCH
		ROCK LINED DRAINAGE WAY
		EROSION CONTROL BARRIER
		SILT FENCE
		CONTOUR LINES
		KETTLE PONDS
		EASEMENT LINES

ABBREVIATIONS

AD	AREA DRAIN	NFS	NON-FROST SUSCEPTIBLE
A.C.	ASPHALT CONCRETE	NTS	NOT TO SCALE
APPROX.	APPROXIMATE	PC	POINT OF CURVATURE
BOF	BEGINNING OF PROJECT	PL	PROPERTY LINE
CB	CATCH BASIN	PT	POINT OF TANGENT
CBJ	CITY & BOROUGH OF JUNEAU	PVC	POLYVINYL CHLORIDE PIPE
CL	CENTERLINE	R	RADIUS
CMP	CORRUGATED METAL PIPE	RT	RIGHT
CPP	CORRUGATED POLYETHYLENE PIPE	SDMH	STORM DRAIN MANHOLE
CTE	CONNECT TO EXISTING	SSMH	SANITARY SEWER MANHOLE
DI	DUCTILE IRON	STA.	STATION
DIA	DIAMETER	STD.	STANDARD
EAS'MT.	EASEMENT	TOP	TOP OF PIPE
EL.	ELEVATION	TRANS	TRANSFORMER
EOP	END OF PROJECT	TYP.	TYPICAL
EXIST.	EXISTING	VC	VERTICAL CURVE
G.V.	GATE VALVE		
I.E.	INVERT ELEVATION		
INV.	INVERT		
LF.	LINEAR FEET		
LT.	LEFT		
MAX	MAXIMUM		
MIN	MINIMUM		
MTE	MATCH TO EXISTING		

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BICKNELL, INC.
P.O. BOX 33517
JUNEAU, AK 99803
(907) 789-5727

Attachment D - Phase 2B

I:\2015\151307\AutoCAD Drawings\Construction Drawings\Cover Sheet.dwg PLOT: July 29, 2015 at: 3:09pm

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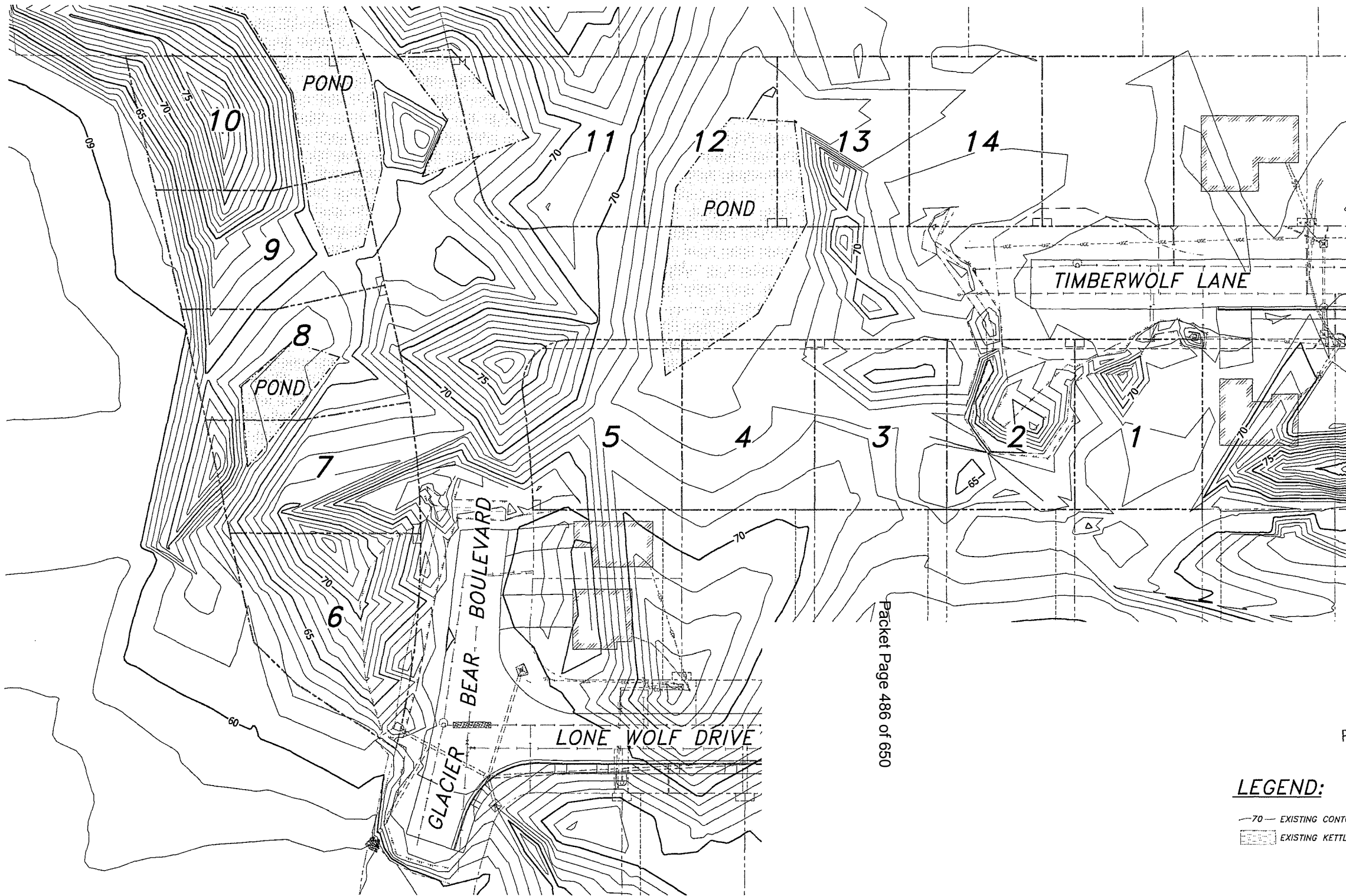
COVER SHEET



R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL : rmengineering@rmjuneau.com

**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA
CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: JUNE 29, 2015
R & M NO. 151307
C1
SHEET 1 of 10



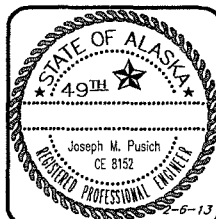
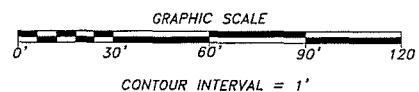
Packet Page 486 of 650

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LEGEND:

- 70' EXISTING CONTOURS
- EXISTING KETTLE PONDS

EXISTING TOPOGRAPHIC MAP



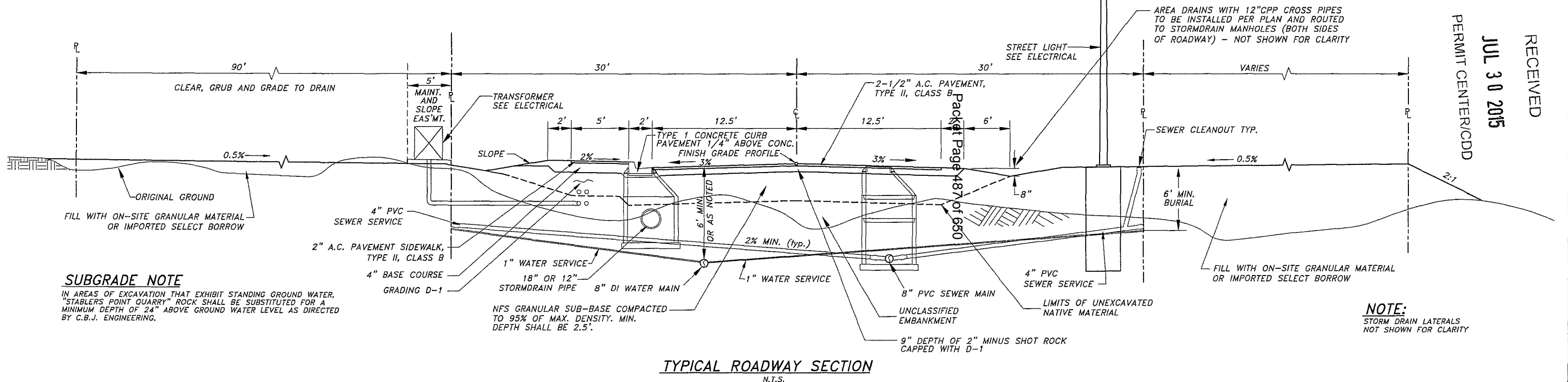
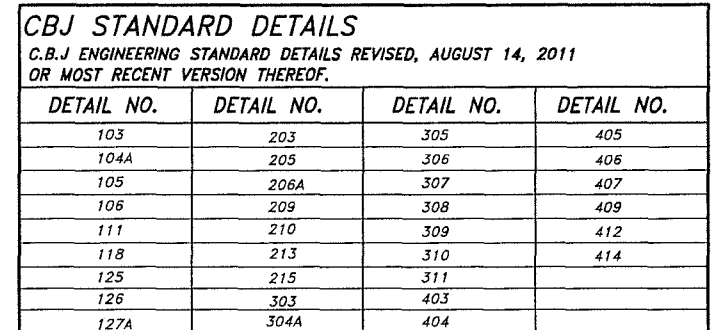
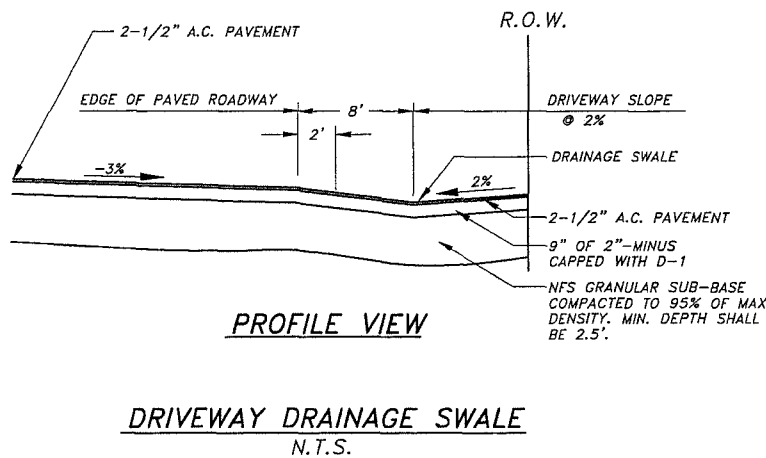
RAM
R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL : rmengineering@rmjuneau.com

**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA
CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: JUNE 29, 2015
R & M NO. 151307
C2
SHEET 2 OF 10

DESIGN	JMP				
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1. CBJ ENGINEERING STANDARD DETAIL BOOK FOR CIVIL ENGINEERING PROJECTS AND SUBDIVISIONS IMPROVEMENTS DATED AUGUST, 2011, CBJ ENGINEERING STANDARD SPECIFICATIONS DATED DECEMBER, 2003, AND THE MANUAL OF BEST MANAGEMENT PRACTICE 19.12.120 ARE MADE A PART OF THIS PROJECT, WITH CURRENT REVISIONS AS APPLICABLE.
2. GRADES AND ALIGNMENTS SHOWN ON THESE PLANS ARE SUBJECT TO MINOR REVISIONS AS APPROVED BY THIS ENGINEER.
3. FINISHED PROFILE ELEVATIONS SHOWN ARE TO THE TOP OF ASPHALT PAVEMENT AT THE ROADWAY CENTERLINE. OTHER FINISH GRADE ELEVATIONS SHOWN ARE TO TOP OF ASPHALT PAVEMENT AT EDGE OF PAVEMENT.
4. LOCATION OF STORM DRAIN CATCH BASINS, AREA DRAINS, PIPING AND PIPE LENGTHS ARE SUBJECT TO MINOR FIELD REVISIONS, AS APPROVED BY THE ENGINEER.
5. ALL CUT AND FILL SLOPES SHALL BE SEEDED BY THE HYDROSEEDING METHOD. PLACE 2" MIN. TOPSOIL PRIOR TO SEEDING WHERE INSUFFICIENT ORGANIC MATERIAL EXISTS.
6. LOCATIONS OF EXISTING UNDERGROUND SEWER, WATER, STORM, TELEPHONE, CABLE TELEVISIONS, AND POWER UTILITIES SHOWN IN THESE PLANS WERE DERIVED FROM C.B.J. AS-BUILTS &/OR FIELD LOCATES. ACTUAL LOCATIONS MAY VARY FROM THOSE SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING, PROTECTING, AND MAINTAINING THE UTILITIES THROUGHOUT THE CONSTRUCTION OF THIS PROJECT. ANY DAMAGE RESULTING TO THESE UNDERGROUND UTILITIES DURING CONSTRUCTION SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT. CALL "DIAL BEFORE YOU DIG" 586-1333.
7. ALL ITEMS DESIGNATED TO BE REMOVED SHALL BE DISPOSED OF AT A CBJ APPROVED WASTE DISPOSAL SITE.
8. PROVIDE KNOCKOUTS IN CATCH BASINS AND MANHOLES FOR ALL PIPE SHOWN ON THE PLANS
9. ALL ELECTRICAL LIGHT STANDARDS POSITIONS ARE SUBJECT TO APPROVAL/ RELOCATION BY CBJ ENGINEER AND /OR AEL&P.
10. AEL&P ELECTRIC, UTILITY AND CABLE SERVICE LOCATIONS SHALL BE COORDINATED WITH THE CONTRACTOR AND CBJ ENGINEERING DEPARTMENT.
11. TELEPHONE AND CABLE UTILITIES SHALL COORDINATE THEIR UTILITIES' LOCATION & INSTALLATION WITH AEL&P AND CBJ'S ENGINEERING DEPARTMENT.
12. ALL WORK FOR THESE PLANS SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND STANDARDS.
13. ALL CONSTRUCTION ACTIVITIES SHALL BE IN CONFORMANCE WITH THE "SWPPP" ACCEPTED BY THE CITY & BOROUGH OF JUNEAU, DATED 3/21/06 AS MODIFIED FOR PHASE 2A AND APPROVED BY DEC.
14. BEGIN SUBCUT AT 24 INCHES FROM PAVEMENT SAWCUT LINE AT STREET CONNECTIONS. REMOVE AND REPLACE BASE COURSE WITH 6-INCHES OF 0-1 TO 12-INCHES FROM PAVEMENT SAWCUT LINE.
15. ONLY HORIZONTAL ELBOW FITTINGS (BENDS) ARE SHOWN ON THE PLANS. ADDITIONAL FITTINGS WILL BE REQUIRED FOR VERTICAL DEFLECTIONS NEAR CONNECTION TO EXISTING PIPES, AND AT OTHER LOCATIONS REQUIRING GRADE CHANGES TO AVOID CONFLICTS.
16. THE CONTRACTOR SHALL NOTIFY CBJ WATER UTILITIES AT 780-6808 OF PROPOSED WATER SERVICE INTERRUPTION AND SUBMIT THE "WATER SYSTEM SPECIAL USE PERMIT" (CONSIDERED BY THE ENGINEER) AT LEAST 48 HOURS PRIOR TO SHUT DOWN OR FLUSHING OF MAINLINE WATER PIPE.
17. "JUMPING JACK", OR SIMILAR TYPE COMPACTORS SHALL BE USED FOR COMPACTION WITHIN 18 INCHES OF THE OUTSIDE SURFACE OF ALL WATER VALVE BOXES AND MANHOLES WITHIN THE STREET AND SIDEWALK LIMITS.
18. THE USE OF GROUT AND QUICKSET CEMENT PRODUCTS WITH ADJUSTING RINGS, BRICKS, WOOD, STONES AND OTHER SIMILAR GRADE ADJUSTMENT DEVICES TO SUPPORT CATCH BASIN FRAMES OVER CATCH BASINS AND MANHOLES WILL NOT BE PERMITTED ON THIS PROJECT. SEE PLAN SHEET C301 AND CBJ STANDARD SPECIFICATIONS, SECTION 02502 - STORM SEWER MANHOLES, INLETS AND CATCH BASINS FOR CATCH BASIN FRAME SUPPORT REQUIREMENTS.

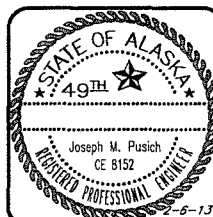


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NOTE:
STORM DRAIN LATERALS
NOT SHOWN FOR CLARITY

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CONSTRUCTION DETAILS
TYPICAL ROADWAY SECTION
GENERAL CONSTRUCTION NOTES
STANDARD DETAIL TABLE



R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
5205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL : rmengineering@rmjuneau.com

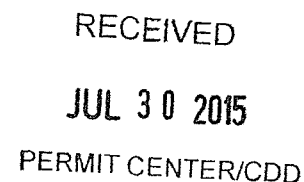
**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU _____, _____ ALASKA
CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: JUNE 29, 2015
& M NO. 151307

C3

SHEET 3 OF 10

ASKA 99803
ATTACHMENT A



SHEET 4 OF 10

I:\2015\151307\AutoCAD Drawings\Construction Drawings\151307 - PH 2B.dwg PLOT: July 29, 2015 at: 3:13pm

STORM DRAIN PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
P-1	12"	13'	CPP	1.00%
P-2	18"	92'	CPP	0.60%
P-3	12"	34'	CPP	0.60%
P-4	12"	14'	CPP	0.60%
P-5	18"	86'	CPP	0.60%

NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.

WATER SERVICE SUMMARY TABLE			
STATION	OFFSET	PIPE SIZE & TYPE	LENGTH
'A'11+54.59	29.00' LT.	1" COPPER	34'
'A'12+32.52	29.00' LT.	1" COPPER	40'
'A'12+47.96	29.00' LT.	1" COPPER	40'

STATIONS & OFFSETS ARE MEASURED FROM PROJECT BASELINE TO CENTER OF CURB BOX.

SANITARY SEWER PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
SP-1	8"	150'	PVC	0.59%
SP-2	8"	137'	PVC	0.40%
SP-3	8"	286'	PVC	0.59%

NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.

SPECIAL NOTE:
RIGHT-OF-WAY LINES MUST BE STAKED PRIOR TO INSTALLATION OF WATER VALVE BOXES AND SEWER SERVICE CLEANOUTS.

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SANITARY SEWER SERVICE SUMMARY TABLE			
STATION	OFFSET	PIPE SIZE & TYPE	LENGTH
'A'11+56.73	29.00' LT.	4" PVC	21'
'A'12+29.91	29.00' LT.	4" PVC	20'
'A'12+50.65	29.00' LT.	4" PVC	21'

STATIONS & OFFSETS ARE MEASURED FROM PROJECT BASELINE TO CENTER OF CLEANOUT CAPS.

SSMH-1 TYPE-I MH	
STA. 11+45.79	6.37' LT.
LID EL=	65.35'
EXIST 8" PVC EL=	60.30' +/-
SP-1 I.E.=	60.50'

S-1 SDMH TYPE I	
STA. 10+89.74	26.53' RT.
GRATE FL EL=	64.44' +/-
P-1 I.E.=	60.77'
P-2 I.E.=	60.77'
EXIST. 18" CPP I.E.=	60.56'
SUMP=	16" MIN.

S-2 CB TYPE-III*	
STA. 10+98.79	35.14' RT.
GRATE FL EL=	64.54'
P-1 I.E.=	60.90'
6" PVC I.E.=	61.00'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

S-3 SDMH TYPE I	
STA. 11+77.01	13.25' RT.
GRATE FL EL=	65.28'
P-2 I.E.=	61.32'
P-3 I.E.=	61.42'
P-4 I.E.=	61.42'
P-5 I.E.=	61.42'
SUMP=	16" MIN.

S-4 CB TYPE-III*	
STA. 11+77.01	20.50' LT.
GRATE FL EL=	64.45'
P-3 I.E.=	61.62'
6" PVC I.E.=	61.72'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

S-5 CB TYPE-III*	
STA. 11+77.01	27.50' RT.
GRATE FL EL=	64.50'
P-4 I.E.=	61.50'
6" PVC I.E.=	61.60'
SUMP=	16" MIN.

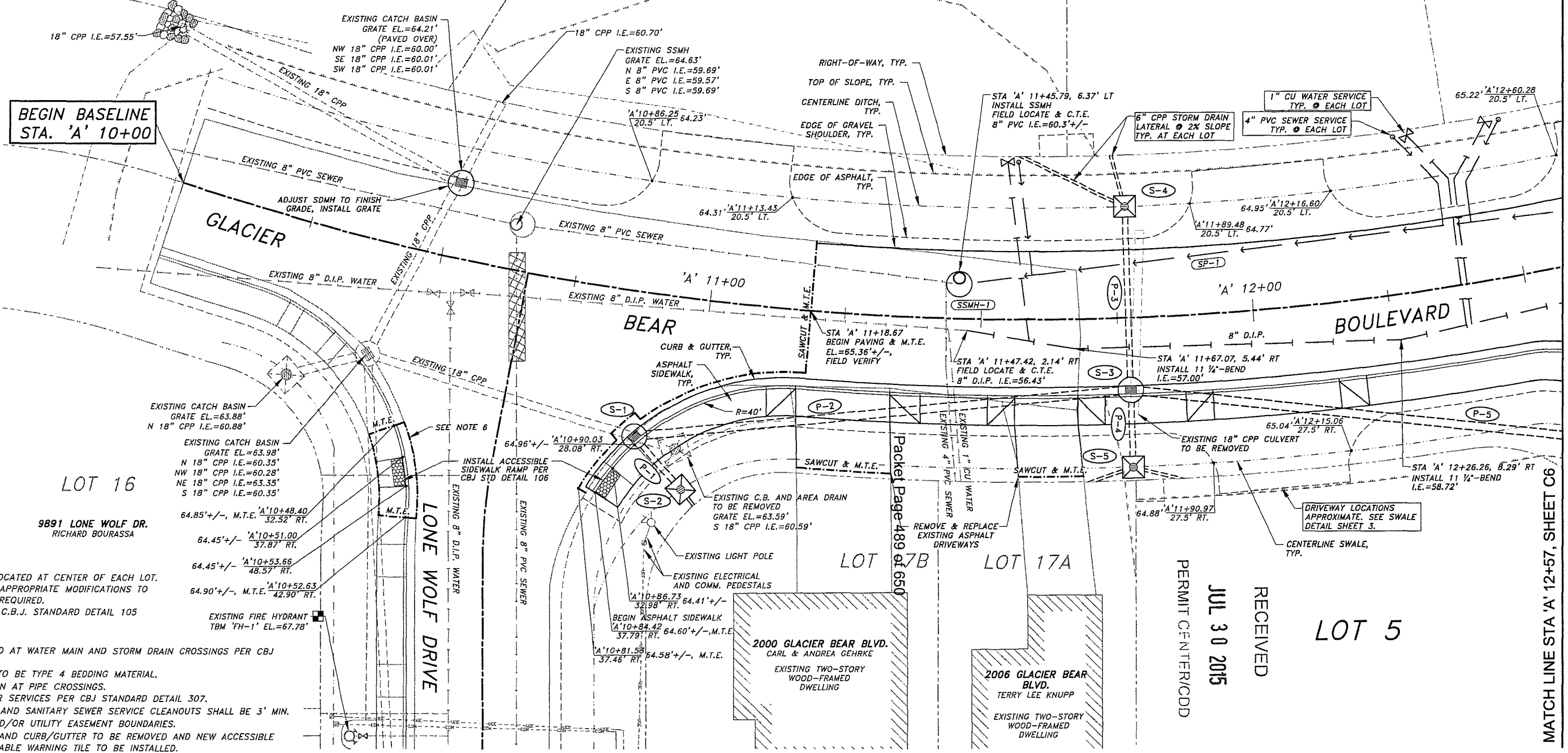
*WITH CONCRETE AREA DRAIN

STORM DRAIN LATERALS SUMMARY THIS SHEET		
STATION	OFFSET	I.E.
'A'11+07.7	33' RT.	61.00'
'A'11+57.4	30' LT.	61.47'
'A'11+69.8	30' RT.	61.59'
'A'11+74.7	30' LT.	61.24'
'A'11+84.9	30' RT.	61.61'

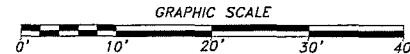
NOTE: STORM DRAIN LATERALS TO BE 6" CPP AND SLOPED AT 2% TO EACH LOT. CONNECTIONS TO STORM DRAIN MAIN LINE PIPE SHALL BE WITH CPP SADDLE TEE OR HANCOR UNI-T TAPPING TEE.

- DRIVEWAY NOTES:**
1. DRIVEWAYS INDICATED ARE LOCATED AT CENTER OF EACH LOT. IF POSITIONED DIFFERENTLY, APPROPRIATE MODIFICATIONS TO SWALE ELEVATIONS WILL BE REQUIRED.
 2. CONSTRUCT CURB CUTS PER C.B.J. STANDARD DETAIL 105 FOR LOTS 9,10,11 AND 12.

- CONSTRUCTION NOTES:**
1. RIGID INSULATION TO BE USED AT WATER MAIN AND STORM DRAIN CROSSINGS PER CBJ STANDARD DETAIL 412.
 2. STORM DRAIN PIPE BEDDING TO BE TYPE 4 BEDDING MATERIAL.
 3. MAINTAIN 9" JOINT SEPERATION AT PIPE CROSSINGS.
 4. MARK AND CAP STORM SEWER SERVICES PER CBJ STANDARD DETAIL 307.
 5. WATER SERVICE CURB BOXES AND SANITARY SEWER SERVICE CLEANOUTS SHALL BE 3' MIN. FROM COMMON LOT LINES AND/OR UTILITY EASEMENT BOUNDARIES.
 6. EXISTING ASPHALT SIDEWALK AND CURB/GUTTER TO BE REMOVED AND NEW ACCESSIBLE SIDEWALK RAMP WITH DETECTABLE WARNING TILE TO BE INSTALLED.



PLAN VIEW
STA 'A' 10+00 to STA 'A' 12+57



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**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA
CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: JUNE 29, 2015
R & M NO. 151307
C5
SHEET 5 OF 10

STORM DRAIN PIPE SUMMARY				
PIPE	DIA.	LENGTH	TYPE	SLOPE
P-5	18"	86'	CPP	0.60%
P-6	18"	18'	CPP	0.60%
P-7	18"	38'	CPP	0.60%
P-8	12"	42'	CPP	0.60%
P-9	12"	14'	CPP	0.60%
P-10	18"	111'	CPP	0.60%
P-11	12"	34'	CPP	0.60%
P-12	12"	14'	CPP	0.60%
P-13	18"	147'	CPP	0.60%

NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.

S-6 CB TYPE-III*	
STA. 'A' 12+57.26	32.23' RT.
GRATE FL EL=	66.14'
P-5 I.E.=	61.94'
P-6 I.E.=	62.04'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

S-7 SDMH TYPE-I	
STA. 'A' 12+73.99	33.95' RT.
GRATE FL EL=	66.14'
P-6 I.E.=	62.15'
P-7 I.E.=	62.25'
P-13 I.E.=	62.25'
SUMP=	16" MIN.

S-8 SDMH TYPE-I	
STA. 'A' 13+10.25	21.69' RT.
GRATE FL EL=	65.83'
P-7 I.E.=	62.48'
P-8 I.E.=	62.58'
P-9 I.E.=	62.58'
P-10 I.E.=	62.58'
SUMP=	16" MIN.

S-9 CB TYPE-III*	
STA. 'A' 13+10.25	20.50' LT.
GRATE FL EL=	65.25'
P-8 I.E.=	62.83'
6" PVC I.E.=	62.93'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

S-10 CB TYPE-III*	
STA. 'A' 13+21.32	30.89' RT.
GRATE FL EL=	65.80'
P-9 I.E.=	62.66'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

S-11 SDMH TYPE-I	
STA. 'A' 14+20.80	13.75' RT.
GRATE FL EL=	66.82'
P-10 I.E.=	63.25'
P-11 I.E.=	63.35'
P-12 I.E.=	63.35'
SUMP=	16" MIN.

S-12 CB TYPE-III*	
STA. 'A' 14+20.80	20.49' LT.
GRATE FL EL=	65.95'
P-11 I.E.=	63.55'
6" PVC I.E.=	63.65'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

S-13 CB TYPE-III*	
STA. 'A' 14+20.80	27.50' RT.
GRATE FL EL=	66.79'
P-12 I.E.=	63.43'
6" PVC I.E.=	63.53'
SUMP=	16" MIN.

*WITH CONCRETE AREA DRAIN

WATER SERVICE SUMMARY TABLE			
STATION	OFFSET	PIPE SIZE & TYPE	LENGTH
'A' 13+61.08	29.00' LT.	1" COPPER	38'
'A' 13+74.71	29.00' LT.	1" COPPER	38'
'B' 10+98.23	29.00' LT.	1" COPPER	44'
'B' 11+12.23	29.00' LT.	1" COPPER	44'
'B' 11+17.67	29.00' RT.	1" COPPER	18'
'B' 11+32.73	29.00' RT.	1" COPPER	18'

STATIONS & OFFSETS ARE MEASURED FROM PROJECT BASELINE TO CENTER OF CURB BOX.

SANITARY SEWER SERVICE SUMMARY TABLE			
STATION	OFFSET	PIPE SIZE & TYPE	LENGTH
'A' 13+57.88	29.00' LT.	4" PVC	26'
'A' 13+77.54	29.00' LT.	4" PVC	26'
'B' 10+95.35	29.00' LT.	4" PVC	32'
'B' 11+15.01	29.00' LT.	4" PVC	32'
'B' 11+16.56	29.00' RT.	4" PVC	31'
'B' 11+33.83	29.00' RT.	4" PVC	31'

STATIONS & OFFSETS ARE MEASURED FROM PROJECT BASELINE TO CENTER OF CLEANOUT CAPS.

STORM DRAIN LATERALS SUMMARY THIS SHEET		
STATION	OFFSET	I.E.
'A' 12+97.8	30' LT.	63.24'
'A' 13+13.8	30' LT.	63.13'
'A' 14+08.3	30' RT.	63.79'
'A' 14+20.3	30' LT.	63.84'

NOTE: STORM DRAIN LATERALS TO BE 6" CPP AND SLOPED AT 2% TO EACH LOT. CONNECTIONS TO STORM DRAIN MAIN LINE PIPE SHALL BE WITH CPP SADDLE TEE OR HANCOR UNI-T TAPPING TEE.

SSMH-2 TYPE-I MH	
STA. 12+97.39	6.25' LT.
LID EL=	66.32'
SP-1 I.E.=	61.38'
SP-2 I.E.=	61.58'
SP-3 I.E.=	61.58'

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CONSTRUCTION NOTES:

1. INSTALL 8" C900 PVC SEWER PIPE FOR 10' MINIMUM EACH SIDE OF MAINLINE CROSSING PER CBJ STD. DETAIL NO. 215.
2. WATERLINE JOINTS TO BE 9' MINIMUM FROM EACH SIDE OF MAINLINE CROSSING PER CBJ STD. DETAIL NO. 215.

MATCH LINE STA 'A' 12+57, SHEET C5

LOT 8

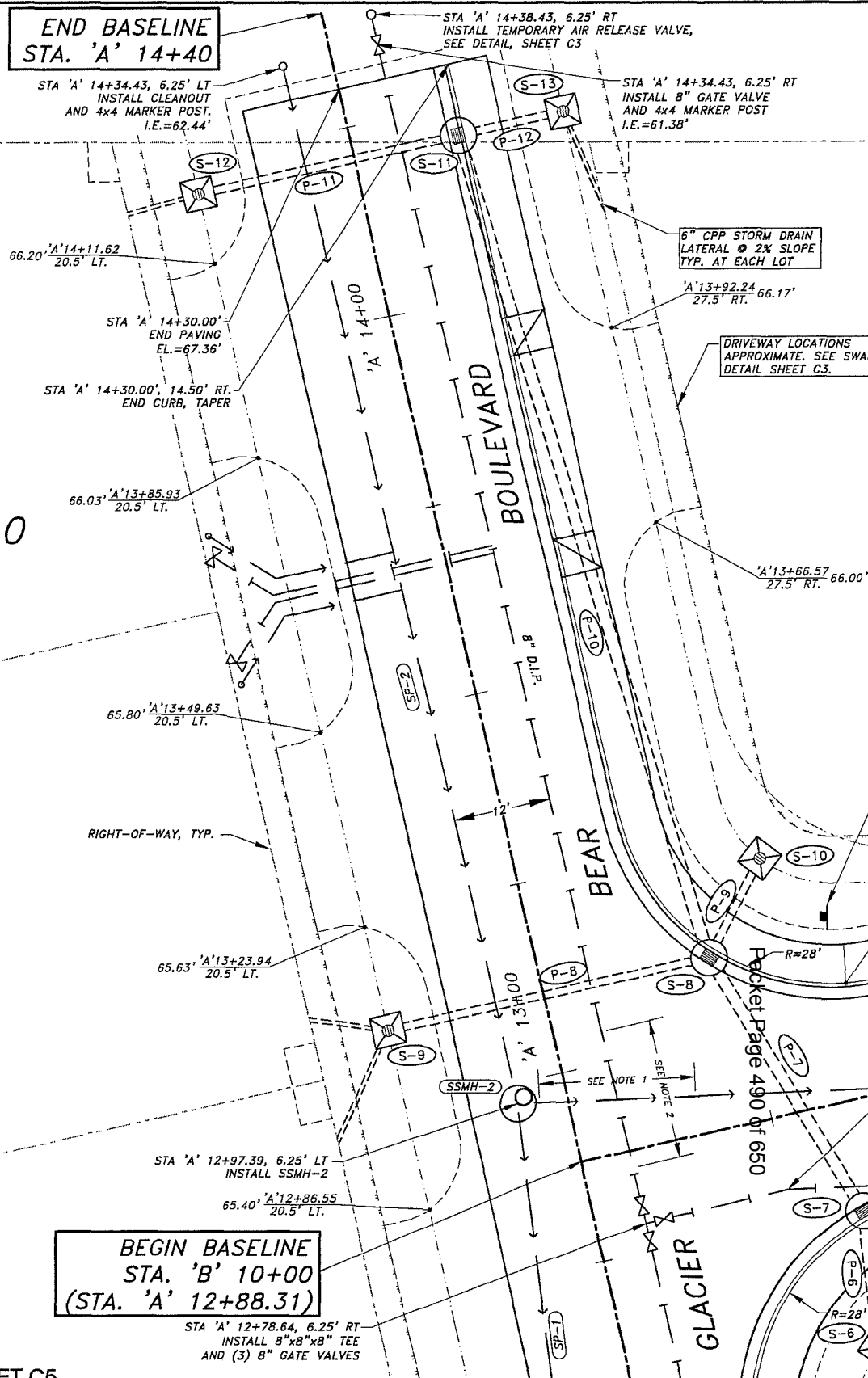
LOT 9

LOT 10

LOT 11

LOT 12

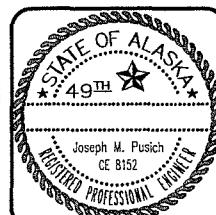
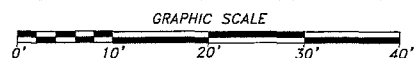
MATCH LINE STA 'B' 11+45, SHEET C7



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PLAN VIEW
STA 'A' 12+57 to STA 'A' 14+40
STA 'B' 10+00 to STA 'B' 11+45



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CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA
CLIENT: BICKNELL INCORPORATED
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JUNEAU, ALASKA 99803

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SHEET 6 of 10

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S-14 SDMH TYPE-I
STA. 'B'11+84.20 13.25' RT.
GRATE FL EL.= 67.20'
P-13 I.E.= 63.13'
P-14 I.E.= 63.23'
P-15 I.E.= 63.23'
P-16 I.E.= 63.23'
SUMP= 16" MIN.

S-15 CB TYPE-III*
STA. 'B'11+84.20 20.50' LT.
GRATE FL EL.= 66.58'
P-14 I.E.= 63.43'
6" PVC I.E.= 63.53'
SUMP= 16" MIN.
*WITH CONCRETE AREA DRAIN

S-16 CB TYPE-III*
STA. 'B'11+84.20 27.50' RT.
GRATE FL EL.= 66.68'
P-15 I.E.= 63.31'
6" PVC I.E.= 63.41'
SUMP= 16" MIN.
*WITH CONCRETE AREA DRAIN

S-17 SDMH TYPE-I
STA. 'B'13+24.20 13.25' RT.
GRATE FL EL.= 68.20'
P-16 I.E.= 64.07'
P-17 I.E.= 64.17'
P-18 I.E.= 64.17'
SUMP= 16" MIN.

S-18 CB TYPE-III*
STA. 'B'13+24.20 20.50' LT.
GRATE FL EL.= 67.37'
P-17 I.E.= 64.37'
6" PVC I.E.= 64.47'
SUMP= 16" MIN.
*WITH CONCRETE AREA DRAIN

S-19 CB TYPE-III*
STA. 'B'13+24.20 27.50' RT.
GRATE FL EL.= 67.59'
P-18 I.E.= 64.25'
6" PVC I.E.= 64.35'
SUMP= 16" MIN.
*WITH CONCRETE AREA DRAIN

STORM DRAIN PIPE SUMMARY					
PIPE	DIA.	LENGTH	TYPE	SLOPE	
P-13	18"	147'	CPP	0.60%	
P-14	12"	34'	CPP	0.60%	
P-15	12"	14'	CPP	0.60%	
P-16	18"	140'	CPP	0.60%	
P-17	12"	34'	CPP	0.60%	
P-18	12"	14'	CPP	0.60%	

NOTE: PIPE LENGTHS AND SLOPES ARE MEASURED FROM CENTER TO CENTER OF STRUCTURES.

STORM DRAIN LATERALS SUMMARY THIS SHEET		
STATION	OFFSET	I.E.
'B'11+67.0	30' LT.	63.92'
'B'11+83.2	30' LT.	63.72'
'B'11+84.7	30' RT.	63.46'
'B'12+00.2	30' RT.	63.73'
'B'13+07.2	30' LT.	64.86'
'B'13+23.2	30' LT.	64.66'
'B'13+24.7	30' RT.	64.40'
'B'14+40.7	30' RT.	64.68'

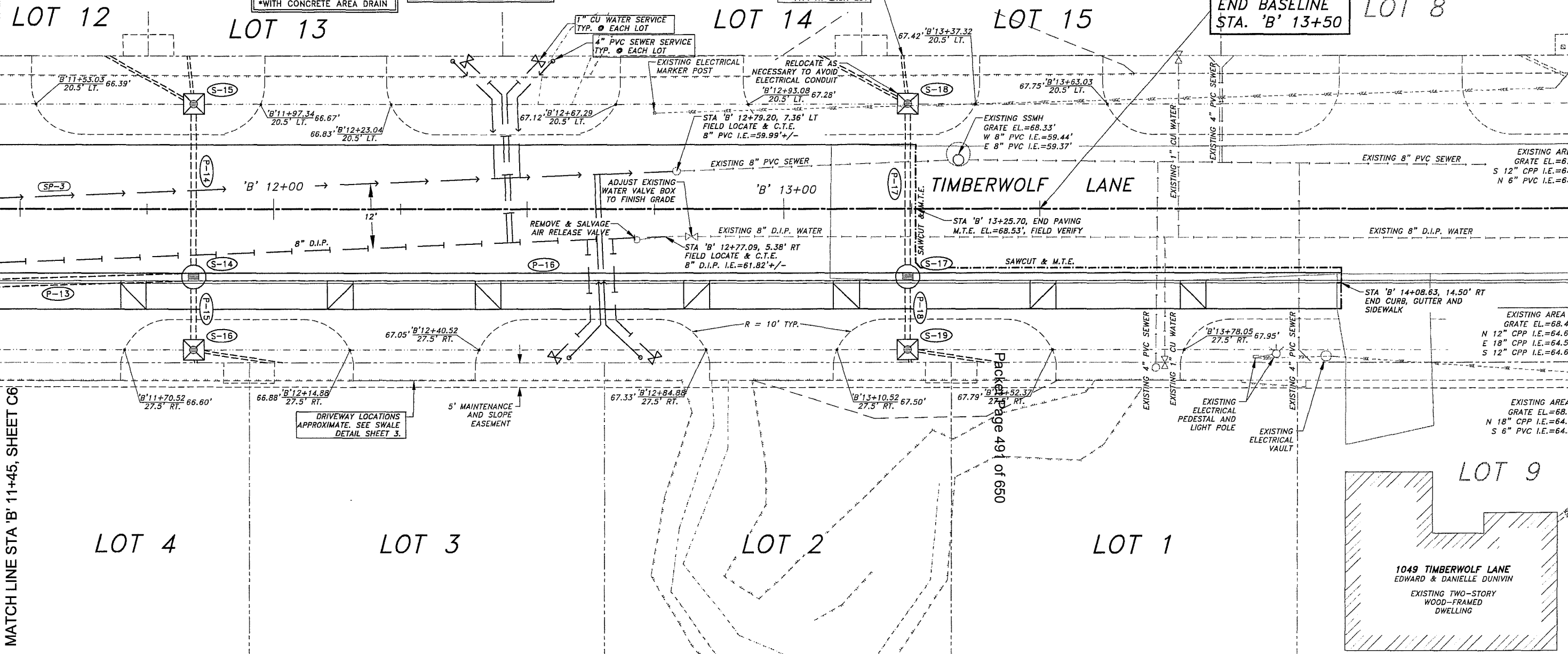
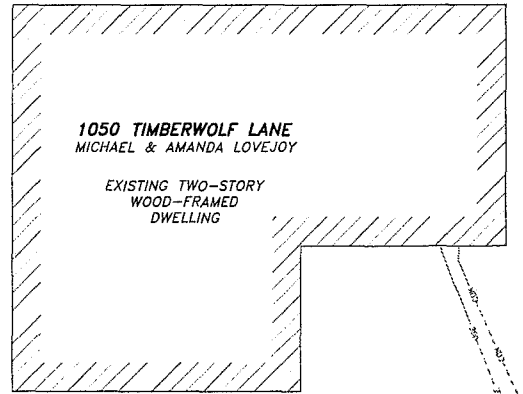
NOTE: STORM DRAIN LATERALS TO BE 6" CPP AND SLOPED AT 2% TO EACH LOT. CONNECTIONS TO STORM DRAIN MAIN LINE PIPE SHALL BE WITH CPP SADDLE TEE OR HANCOR UNI-T TAPPING TEE.

WATER SERVICE SUMMARY TABLE			
STATION	OFFSET	PIPE SIZE & TYPE	LENGTH
'B'12+38.22	29.00' LT.	1" COPPER	38'
'B'12+52.23	29.00' LT.	1" COPPER	38'
'B'12+55.35	29.00' RT.	1" COPPER	26'
'B'12+75.02	29.00' RT.	1" COPPER	26'

STATIONS & OFFSETS ARE MEASURED FROM PROJECT BASELINE TO CENTER OF CURB BOX.

SANITARY SEWER SERVICE SUMMARY TABLE			
STATION	OFFSET	PIPE SIZE & TYPE	LENGTH
'B'12+35.36	29.00' LT.	4" PVC	26'
'B'12+55.01	29.00' LT.	4" PVC	26'
'B'12+58.16	29.00' RT.	4" PVC	39'
'B'12+72.14	29.00' RT.	4" PVC	39'

STATIONS & OFFSETS ARE MEASURED FROM PROJECT BASELINE TO CENTER OF CLEANOUT CAPS.



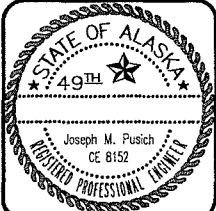
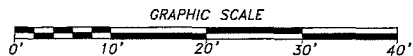
Attachment D - Phase 2B

MATCH LINE STA 'B' 11+45, SHEET C6

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PLAN VIEW
STA 'B' 11+45 to STA 'B' 13+50

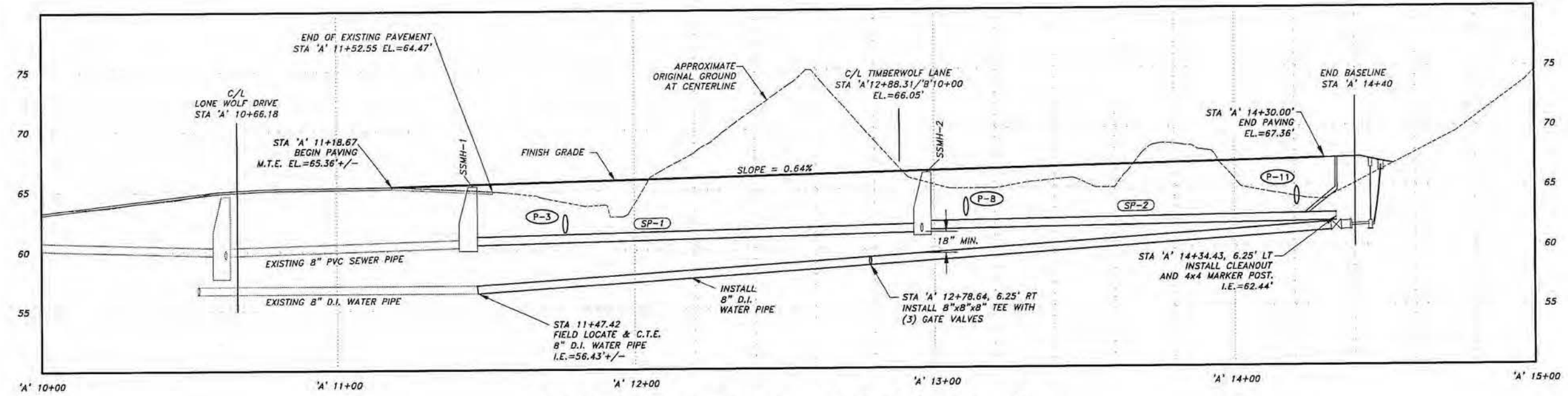


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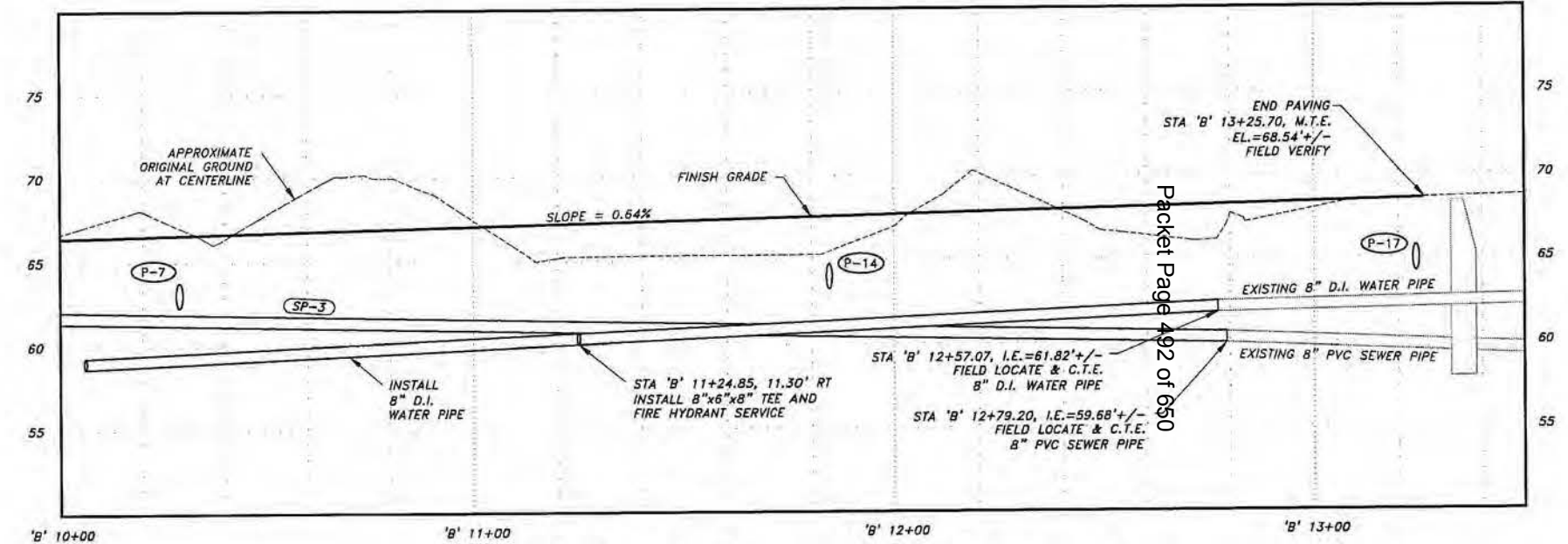
**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA
CLIENT: BICKNELL INCORPORATED
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STA 'A' 10+00 to STA 'A' 14+40
GLACIER BEAR BOULEVARD



STA 'B' 10+00 to STA 'B' 13+50
TIMBERWOLF LANE

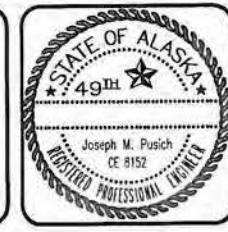
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Attachment D - Phase 2B

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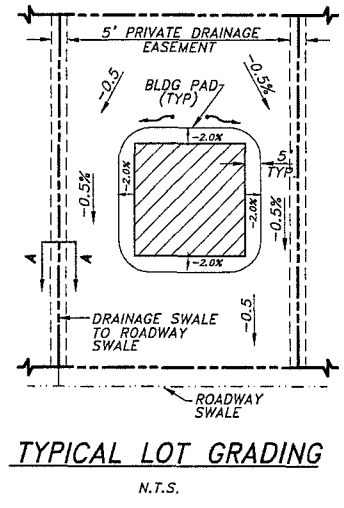
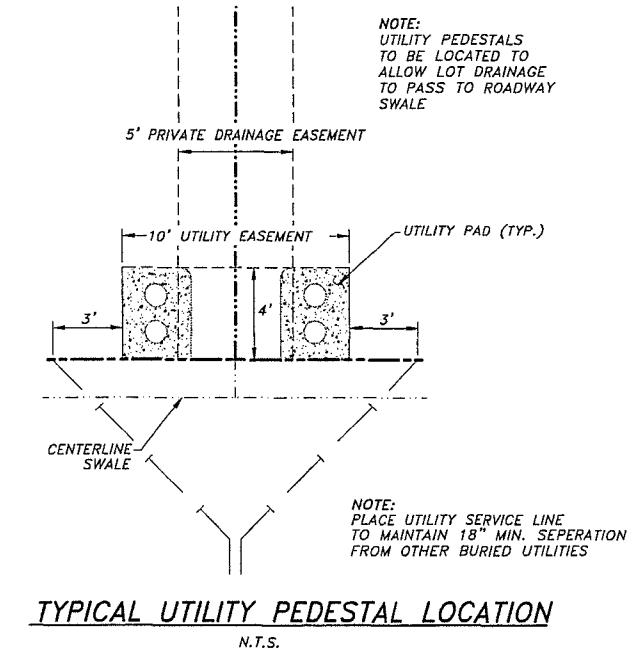
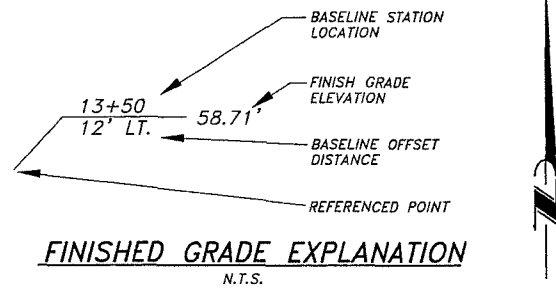
ROADWAY PROFILES



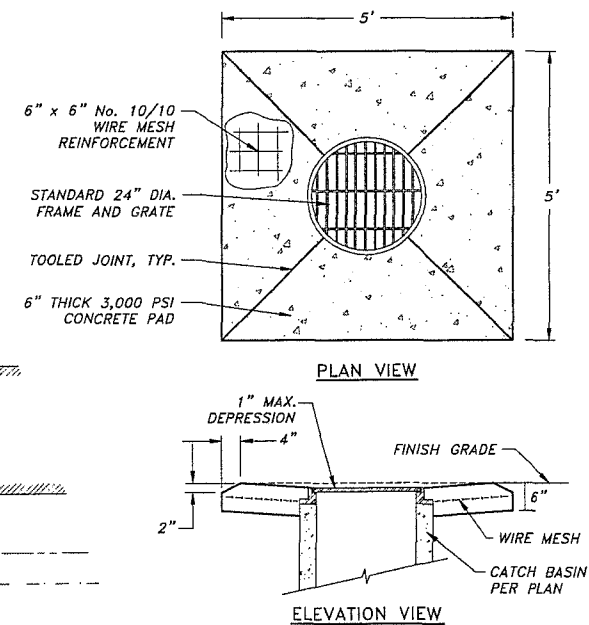
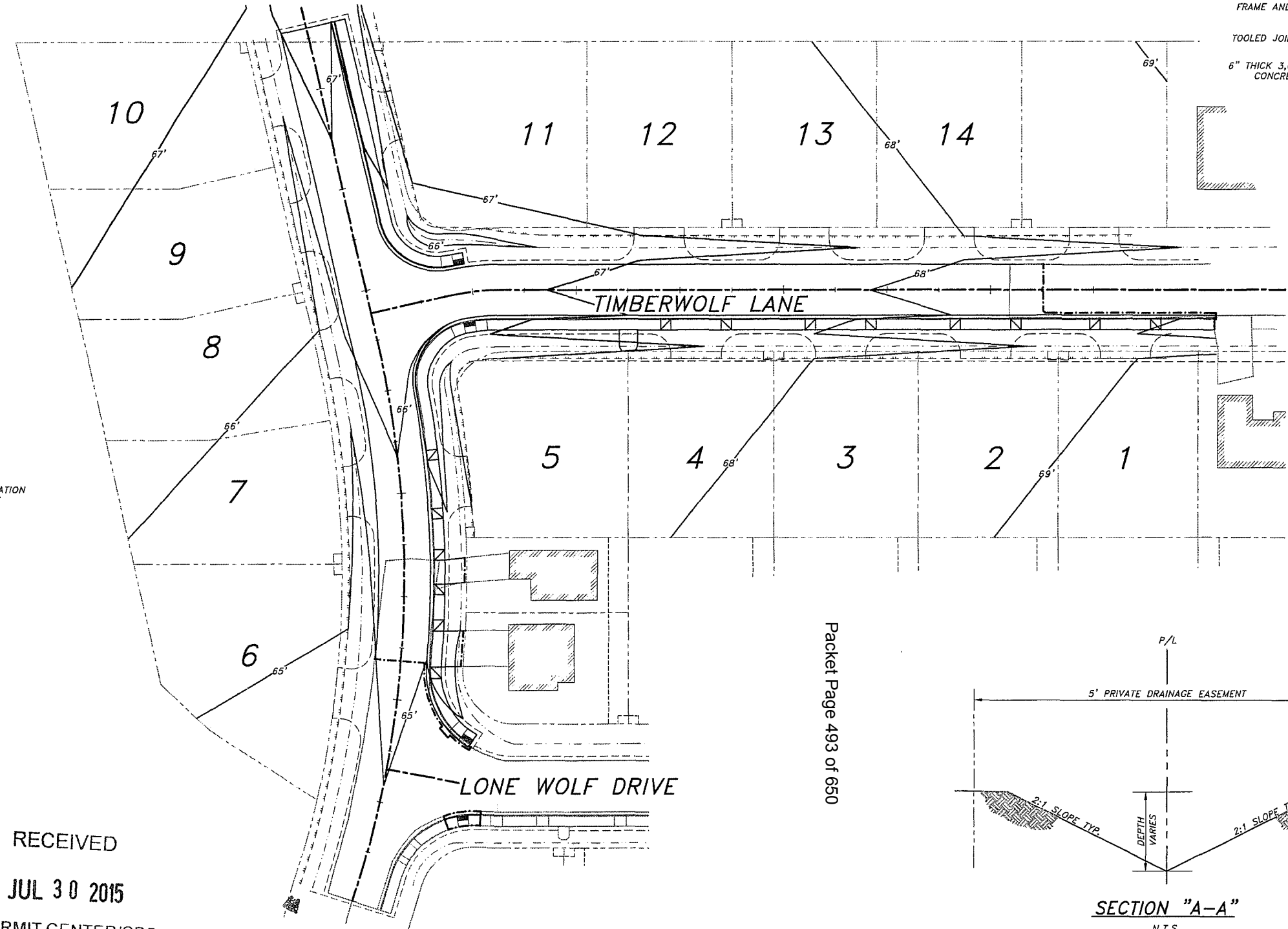
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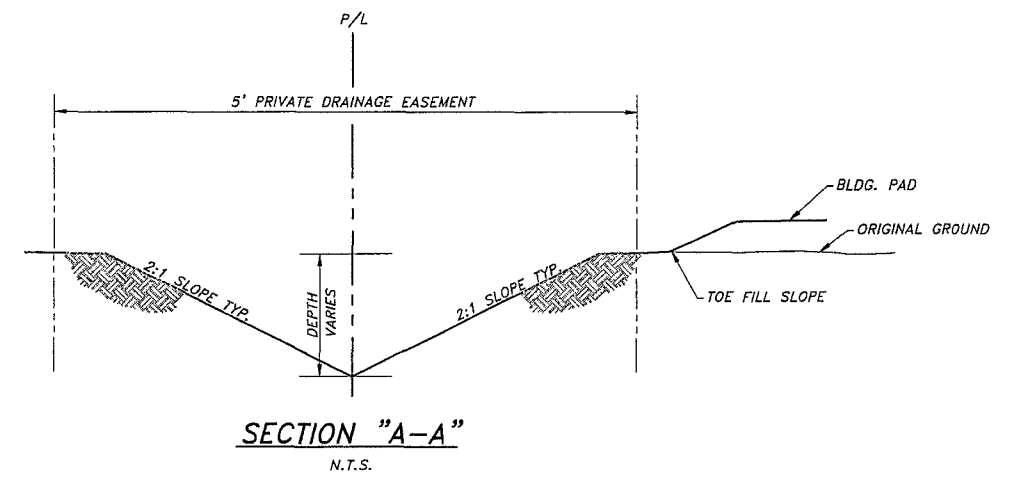
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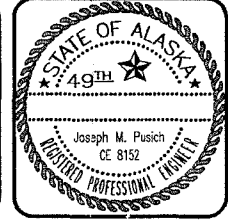
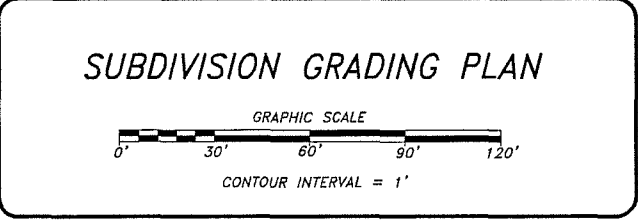


- NOTES:
1. FRAME AND GRATE MUST BE OF A TYPE THAT WILL NOT CREATE A TRIP HAZARD.
 2. COMPACT BACKFILL TO 95% OF MAXIMUM DENSITY.
 3. CONCRETE SHALL HAVE A STEEL TROWEL FINISH.



DESIGN	JMP
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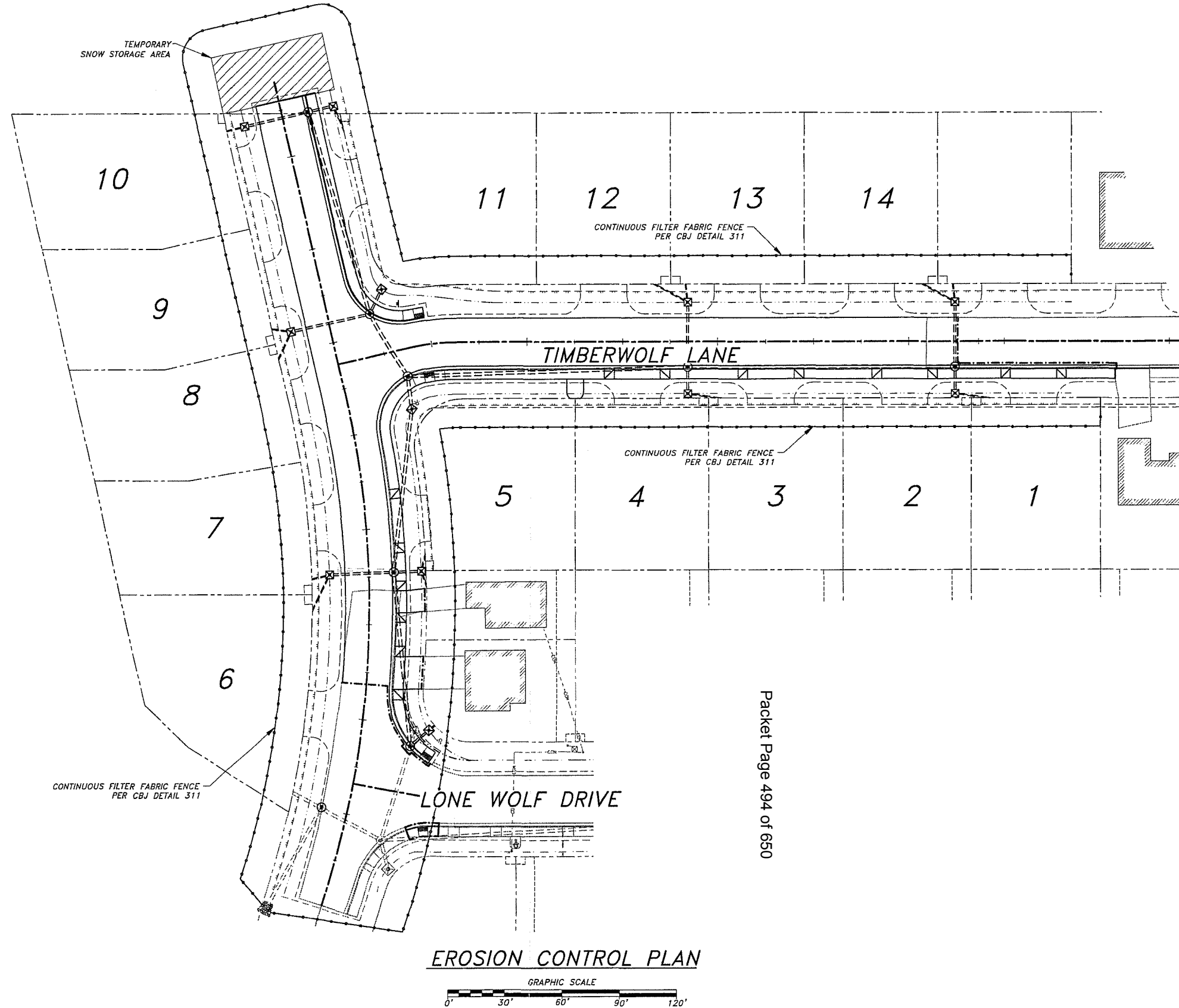
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SHEET 9 OF 10

EROSION AND SEDIMENT CONTROL

NOTES:

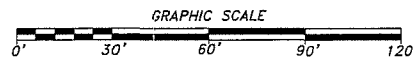
1. EROSION CONTROL BARRIERS SHALL BE PLACED BEFORE ANY CONSTRUCTION ACTIVITIES PER THE MOST CURRENT VERSION OF THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES "ALASKA STORM WATER POLLUTION PREVENTION PLAN GUIDE"
2. BARRIERS WILL BE MAINTAINED AND SERVICED THROUGH-OUT CONSTRUCTION.
3. COLLECTED SEDIMENT WILL BE DISPOSED OF OFFSITE AT AN APPROVED DUMP SITE.
4. ALL CONSTRUCTION SHALL ADHERE TO THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES "ALASKA STORM WATER POLLUTION PREVENTION PLAN GUIDE."
5. A WEEKLY SUMMARY DETAILING "STORM WATER POLLUTION PREVENTION PLAN" (SWPPP) SHALL BE PROVIDED TO CBJ ENGINEERING.
6. TEMPORARY EROSION & SEDIMENTATION CONTROL BARRIER SHALL BE CONSTRUCTED PER C.B.J. STD. DETAIL 312 OR AS DIRECTED BY THE ENGINEER. ACTUAL LOCATIONS MAY VARY AND MAY BE RELOCATED AS DIRECTED BY THE ENGINEER.
7. EROSION CONTROL AND SNOW STORAGE MEASURES TO COMPLY WITH CBJ GUIDE FOR STORMWATER BEST MANAGEMENT PRACTICES, REVISED AUGUST 2010, OR MOST RECENT VERSION THEREOF.

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U/G POWER, TELEPHONE & T.V.
SHOWN ON THIS DRAWING INDICATE
EXISTENCE ONLY AND DO NOT
SUBSTITUTE FOR FIELD LOCATES



Packet Page 494 of 650

EROSION CONTROL PLAN



RECEIVED

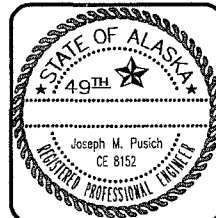
JUL 30 2015

PERMIT CENTER/CDD

DESIGN: JMP
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CHECK: JMP
APPROVED: _____
FILE: L-XXX

NO.	DATE	REVISION	BY	APPROVED

EROSION CONTROL PLAN, DETAILS

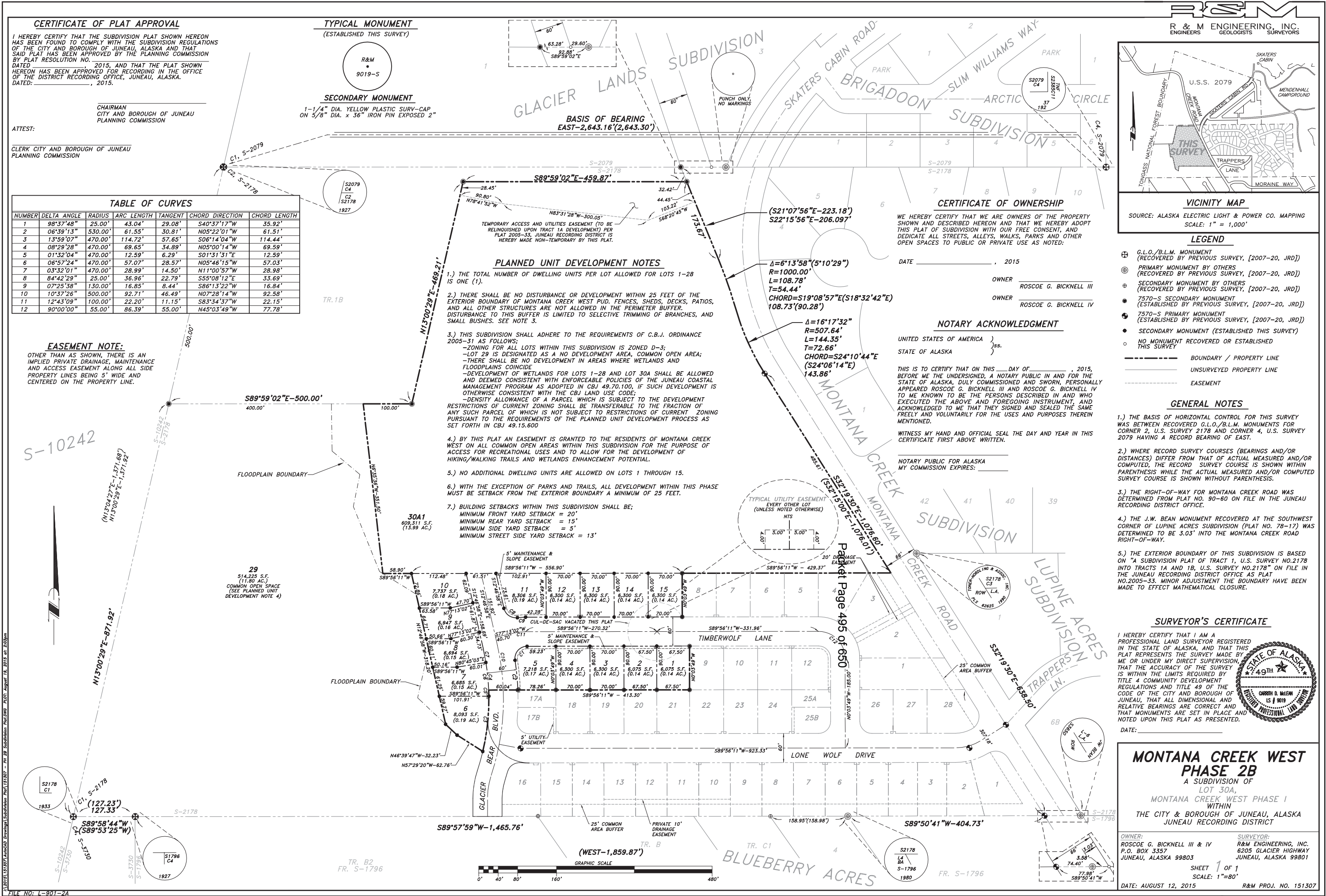


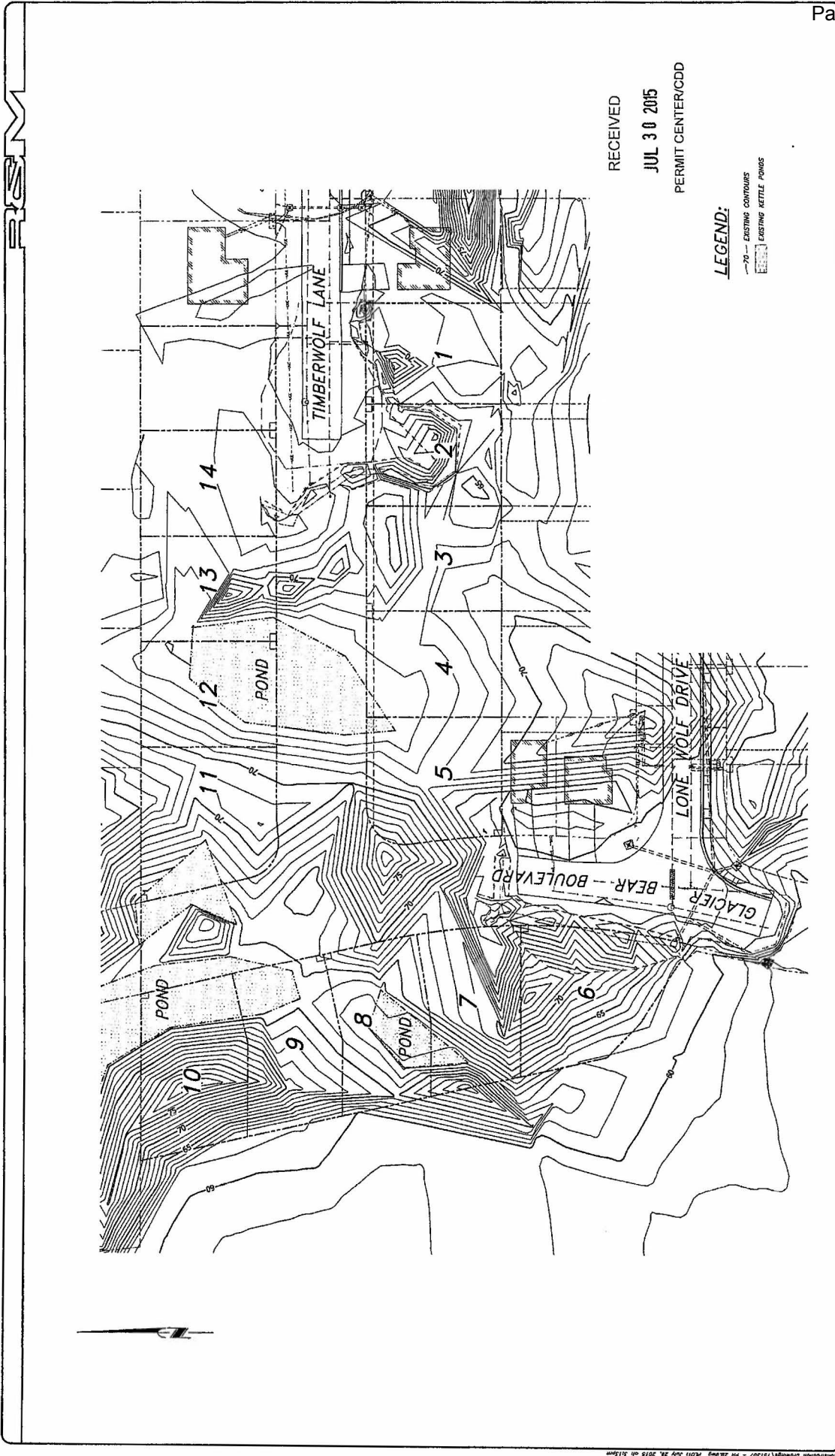
RAM

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-6060 - FX. (907) 780-4611
E-MAIL : rmengineering@rmjuneau.com

**MONTANA CREEK WEST
PHASE 2B**
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU, ALASKA
CLIENT: BICKNELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803

DATE: JUNE 29, 2015
R & M NO. 151307
C10
SHEET 10 OF 10





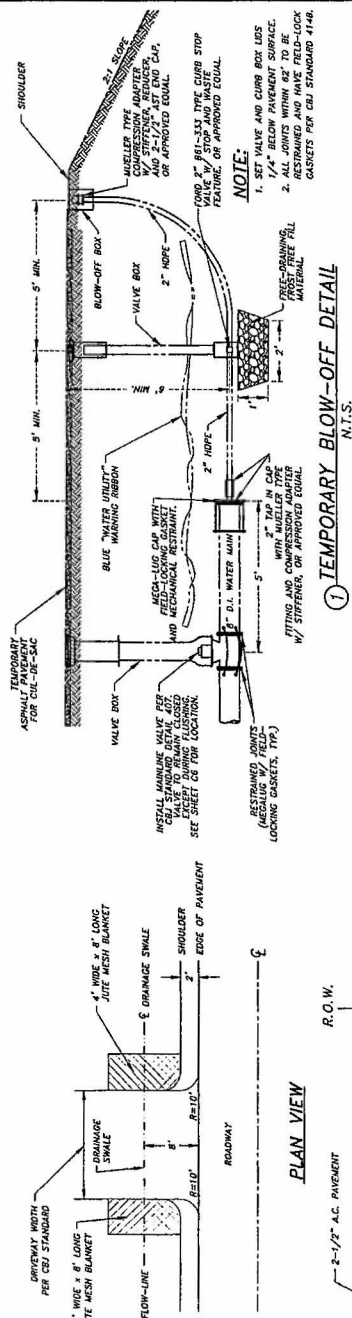
RECEIVED
JUL 30 2015
PERMIT CENTER/CDD

LEGEND:
--- EXISTING CONTOURS
--- EXISTING KETTLE PONDS

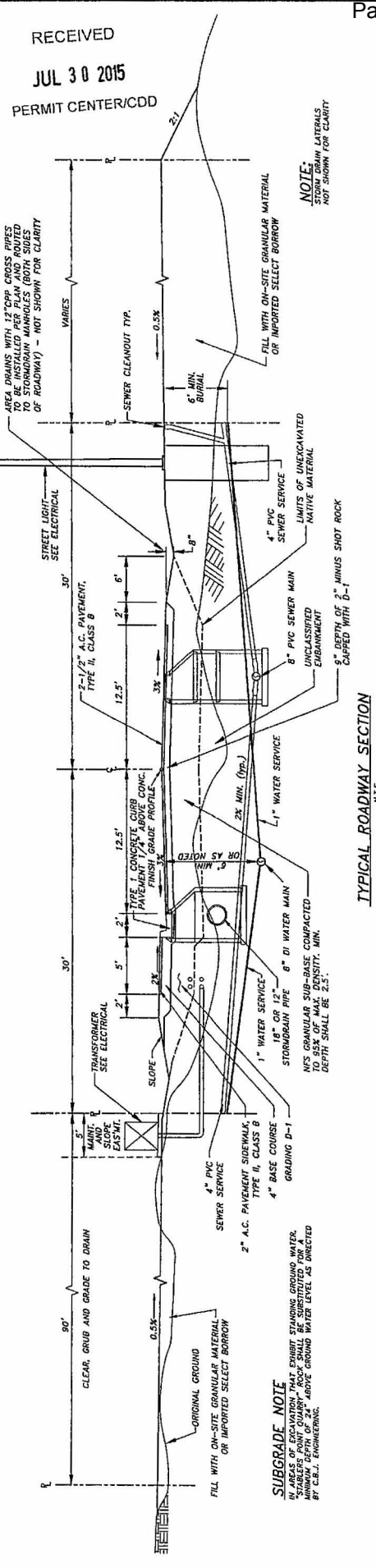
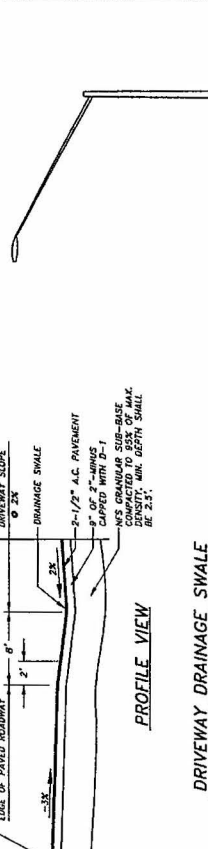
DATE: 06/24/2015 PLOT NO: 111007 C2 SHEET 2 of 2	
MONTANA CREEK WEST PHASE 2B CONSTRUCTION IMPROVEMENT PLANS JUNEAU CLIENT: BECAVEL, INCORPORATED JUNEAU, ALASKA 99803	
R & M ENGINEERING, INC. ENGINEERS & SURVEYORS 6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801 PH: (907) 780-6060 - FX: (907) 780-4811 E-MAIL: rmengineering@rmjuneau.com	
STATE OF ALASKA 19th JUL 30 2015 JUNEAU, ALASKA	
EXISTING TOPOGRAPHIC MAP GRAPHIC SCALE 0 30 60 90 120 CONTOUR INTERVAL = 1'	
DESIGN - JWP	BY: JWP
DRAWN - JWG	
CHECK - JWP	
APPROVED	
DATE: 7-2-2015	

GENERAL CONSTRUCTION NOTES

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CIVIL ENGINEERING PROJECTS AND SUBDIVISIONS IMPROVEMENTS OF BEST MANAGEMENT PRACTICE 19.12.120 ARE MADE A PART OF THIS PROJECT, WITH CURRENT REVISIONS AS APPLICABLE.
2. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CIVIL ENGINEERING PROJECTS AND SUBDIVISIONS IMPROVEMENTS OF BEST MANAGEMENT PRACTICE 19.12.120 ARE MADE A PART OF THIS PROJECT, WITH CURRENT REVISIONS AS APPLICABLE.
3. FINISHED PROFILE ELEVATIONS SHOWN ARE TO THE TOP OF ASPHALT PAVEMENT AT THE ROADWAY CENTERLINE. OTHER FINISH GRADE ELEVATIONS SHOWN ARE TO TOP OF ASPHALT PAVEMENT AT EDGE OF PAVEMENT.
4. REVISIONS AS APPROVED BY THE ENGINEER SHALL BE SHOWN ON THE PLANS. ADDITIONAL FITTINGS WILL BE REQUIRED FOR VERTICAL DETECTIONS NEAR CONNECTION TO EXISTING PIPES, AND AT OTHER LOCATIONS REQUIRING GRADE.
5. ALL CITY AND TIL SLOPES SHALL BE SEED BY THE HYDROSEEDING METHOD. PLACE 2" MIN. TOPSOIL PRIOR TO SEEDING WHERE INSUFFICIENT ORGANIC MATERIAL EXISTS.
6. LOCATIONS OF EXISTING UNDERGROUND SEWER, WATER, STORM, TELEPHONE, CABLE TELEVISIONS, AND POWER LINES SHALL BE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DEPTH, AND MAINTAINING THE UTILITIES THROUGHOUT THE CONSTRUCTION OF THIS PROJECT. ANY DAMAGE RESULTING TO THESE UNDERGROUND UTILITIES DURING CONSTRUCTION SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT. CALL "BEFORE YOU DIG" 800-451-1313.
7. ALL ITEMS DESIGNATED TO BE REMOVED SHALL BE DISPOSED OF AT A CBI APPROVED WASTE DISPOSAL SITE.
8. PROVIDE KNOCKOUTS IN CATCH BASINS AND MANHOLES FOR ALL PIPE SHOWN ON THE PLANS.
9. ALL ELECTRICAL LIGHT STANDARDS POSITIONS ARE SUBJECT TO APPROVAL/RELOCATION BY CBI ENGINEER AND/OR ENGINEERING DEPARTMENT.
10. ALL ELECTRICAL, UTILITY AND CABLE SERVICE LOCATIONS SHALL BE COORDINATED WITH THE CONTRACTOR AND CBI ENGINEERING DEPARTMENT.
11. TELEPHONE AND CABLE UTILITIES SHALL COORDINATE THEIR UTILITIES' LOCATION & INSTALLATION WITH AELAP AND CBI'S ENGINEERING DEPARTMENT.
12. ALL CONSTRUCTION ACTIVITIES SHALL BE IN CONFORMANCE WITH THE "SWPPP" ACCEPTED BY THE CITY & BOROUGH OF JUNEAU, DATED 5/21/08 AS MODIFIED FOR PHASE 2A AND APPROVED BY DEC.
13. ONLY HORIZONTAL ELBOW FITTINGS (BENDS) ARE SHOWN ON THE PLANS. ADDITIONAL FITTINGS WILL BE REQUIRED FOR VERTICAL DETECTIONS NEAR CONNECTION TO EXISTING PIPES, AND AT OTHER LOCATIONS REQUIRING GRADE.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DEPTH, AND MAINTAINING THE UTILITIES THROUGHOUT THE CONSTRUCTION OF THIS PROJECT. ANY DAMAGE RESULTING TO THESE UNDERGROUND UTILITIES DURING CONSTRUCTION SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT. CALL "BEFORE YOU DIG" 800-451-1313.
15. ALL CITY AND TIL SLOPES SHALL BE SEED BY THE HYDROSEEDING METHOD. PLACE 2" MIN. TOPSOIL PRIOR TO SEEDING WHERE INSUFFICIENT ORGANIC MATERIAL EXISTS.
16. LOCATIONS OF EXISTING UNDERGROUND SEWER, WATER, STORM, TELEPHONE, CABLE TELEVISIONS, AND POWER LINES SHALL BE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DEPTH, AND MAINTAINING THE UTILITIES THROUGHOUT THE CONSTRUCTION OF THIS PROJECT. ANY DAMAGE RESULTING TO THESE UNDERGROUND UTILITIES DURING CONSTRUCTION SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE PAID FOR BY THE CONTRACTOR AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT. CALL "BEFORE YOU DIG" 800-451-1313.
17. "JUMPING JACK" OR SIMILAR TYPE COMPACTORS SHALL BE USED FOR COMPACTION WITHIN 18 INCHES OF THE EXISTING GRADE. SIMILAR TYPE COMPACTORS SHALL BE USED FOR COMPACTION WITHIN THE STREET AND SIDEWALK LIMITS. THE USE OF FRONT AND BACKLIFT CLAMMERS AND OTHER SIMILAR GRADE ADJUSTMENT DEVICES TO SUPPORT CATCH BASIN FRAMES OVER CATCH BASINS AND MANHOLES WILL NOT BE PERMITTED ON THIS PROJECT. SEE PLAN SHEET C301 AND CBI STANDARD SPECIFICATIONS, REQUIREMENTS.
18. THE USE OF FRONT AND BACKLIFT CLAMMERS AND OTHER SIMILAR GRADE ADJUSTMENT DEVICES TO SUPPORT CATCH BASIN FRAMES OVER CATCH BASINS AND MANHOLES WILL NOT BE PERMITTED ON THIS PROJECT. SEE PLAN SHEET C301 AND CBI STANDARD SPECIFICATIONS, REQUIREMENTS.
19. THE USE OF FRONT AND BACKLIFT CLAMMERS AND OTHER SIMILAR GRADE ADJUSTMENT DEVICES TO SUPPORT CATCH BASIN FRAMES OVER CATCH BASINS AND MANHOLES WILL NOT BE PERMITTED ON THIS PROJECT. SEE PLAN SHEET C301 AND CBI STANDARD SPECIFICATIONS, REQUIREMENTS.
20. THE USE OF FRONT AND BACKLIFT CLAMMERS AND OTHER SIMILAR GRADE ADJUSTMENT DEVICES TO SUPPORT CATCH BASIN FRAMES OVER CATCH BASINS AND MANHOLES WILL NOT BE PERMITTED ON THIS PROJECT. SEE PLAN SHEET C301 AND CBI STANDARD SPECIFICATIONS, REQUIREMENTS.



CBI STANDARD DETAILS			
CBI ENGINEERING STANDARD DETAILS REVISED, AUGUST 14, 2011			
OR MOST RECENT VERSION THEREOF:			
DETAIL NO.	DETAIL NO.	DETAIL NO.	DETAIL NO.
101	102	103	104
105	106	107	108
109	110	111	112
113	114	115	116
117	118	119	120
121	122	123	124
125	126	127	128
129	130	131	132
133	134	135	136
137	138	139	140
141	142	143	144
145	146	147	148
149	150	151	152
153	154	155	156
157	158	159	160
161	162	163	164
165	166	167	168
169	170	171	172
173	174	175	176
177	178	179	180
181	182	183	184
185	186	187	188
189	190	191	192
193	194	195	196
197	198	199	200



100

DATE

REVISION

BY

APPROVED

FILE

1-XXX

DESIGN

JMP

CHECK

JMP

APPROVED

JMP

FILE

1-XXX

CONSTRUCTION DETAILS

TYPICAL ROADWAY SECTION

GENERAL CONSTRUCTION NOTES

STANDARD DETAIL TABLE

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION

SEAL

APPROVED

DATE

FILE

1-XXX

R & M ENGINEERING, INC.

ENGINEERS

GEOTECHNICAL

6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801

PH. (907) 780-6060 - FAX (907) 780-4611

E-MAIL: rmengeering@junEAU.com

MONTANA CREEK WEST

PHASE 2B

CONSTRUCTION IMPROVEMENT PLANS

JUNEAU

CLIENT: BUCKWELL INCORPORATED

P.O. BOX 33517

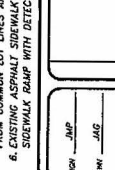
JUNEAU, ALASKA 99803

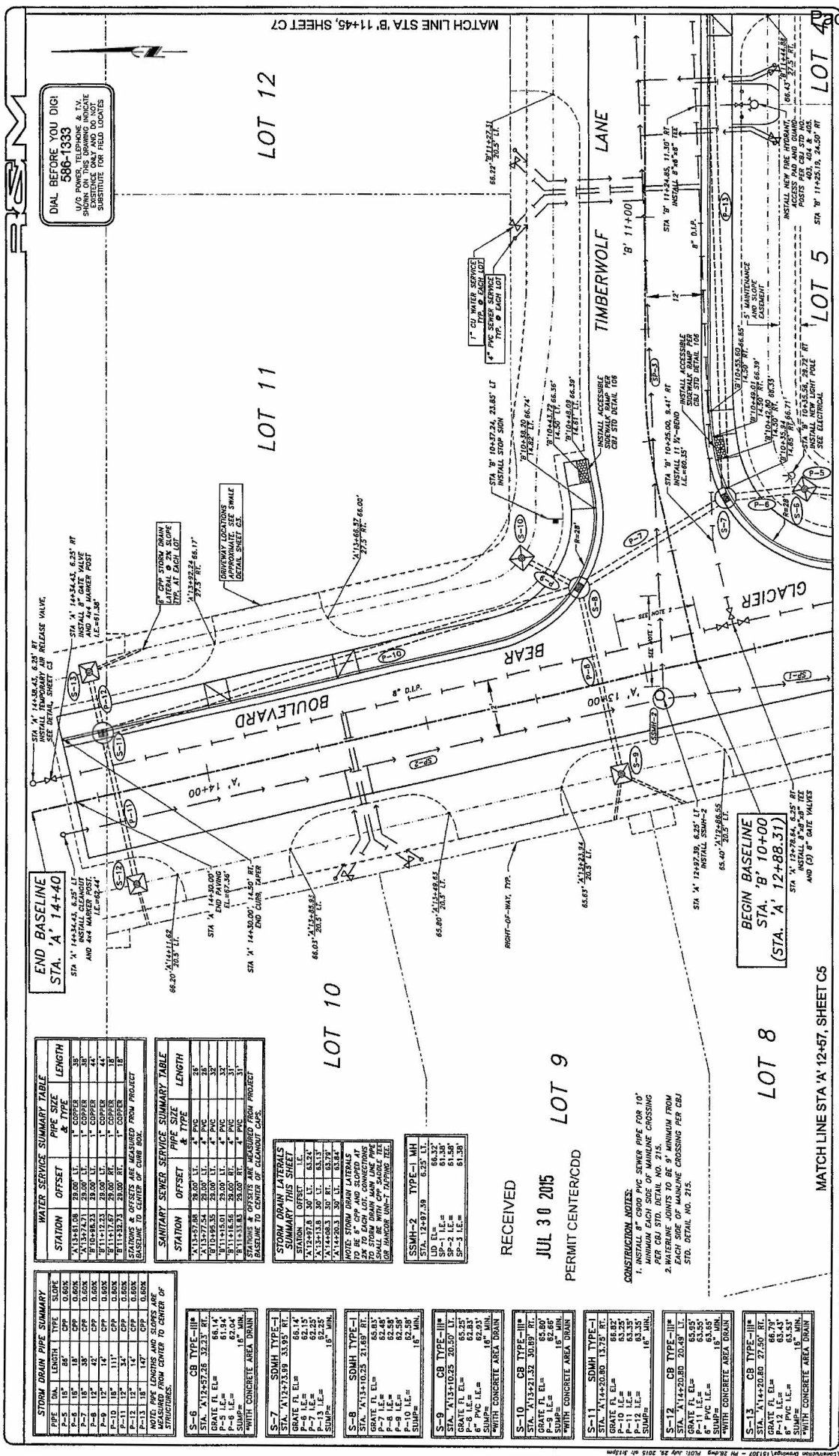
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18







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586-1333
CALL 24 HOURS A DAY
FOR UTILITY INFORMATION
EXISTENCE ONLY AND DO NOT
SUBSTITUTE FOR FIELD LOCATES

WATER SERVICE SUMMARY TABLE

STATION	PIPE SIZE	LENGTH
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'

SANITARY SEWER SERVICE SUMMARY TABLE

STATION	PIPE SIZE	LENGTH
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'

STORM DRAIN LATERALS SUMMARY THIS SHEET

STATION	PIPE SIZE	LENGTH
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
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STORM DRAIN LATERALS SUMMARY THIS SHEET

STATION	PIPE SIZE	LENGTH
STA. 'A' 14+40.00	12" CPVC	30'
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STORM DRAIN LATERALS SUMMARY THIS SHEET

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STA. 'A' 14+40.00	12" CPVC	30'
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STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'
STA. 'A' 14+40.00	12" CPVC	30'

RECEIVED
JUL 30 2015
PERMIT CENTER/CDD

CONSTRUCTION NOTES:
1. MINIMUM EACH SIDE OF MAINLINE CROSSING PER CBJ STD. DETAIL NO. 215.
2. WATERLINE JOINTS TO BE 5' MINIMUM FROM EACH SIDE OF MAINLINE CROSSING PER CBJ STD. DETAIL NO. 215.

PLAN VIEW
STA 'A' 12+57 TO STA 'A' 14+40
STA 'B' 10+00 TO STA 'B' 11+45

GRAPHIC SCALE
0' 10' 20' 30'

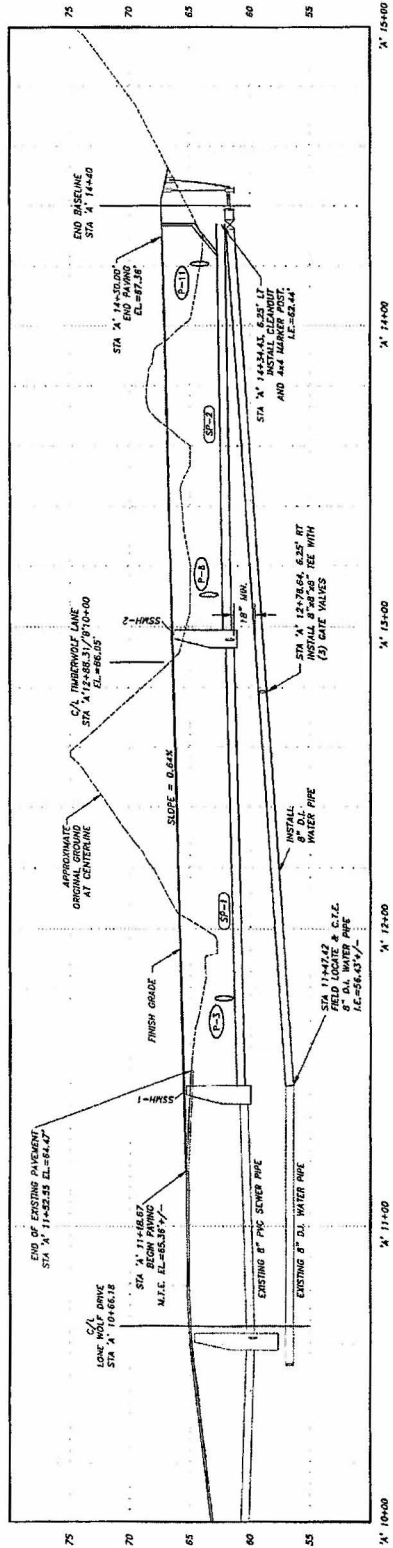
R & M ENGINEERING, INC.
ENGINEERS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH (907) 780-6000 FAX (907) 780-4511
E-MAIL: rmeengineering@junelink.com

**MONTANA CREEK WEST
PHASE 2B
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU**
CLIENT: BOWEN INCORPORATED
P.O. BOX 13317
JUNEAU, ALASKA 99803

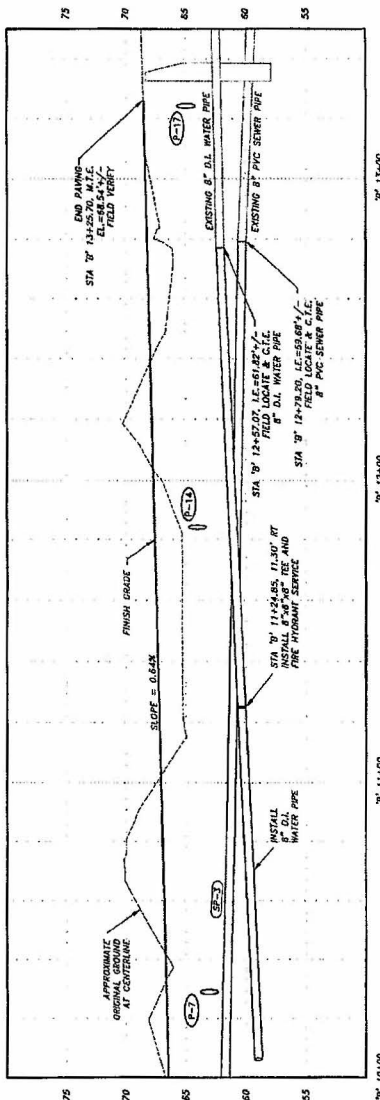
C6
SHEET 6 OF 6



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588-1333
U/G POWER, TELEPHONE & TV
CONDUITS ARE SHOWN FOR INFORMATION
EXISTENCE ONLY AND DO NOT
SUBSTITUTE FOR FIELD LOCATES



STA 'A' 10+00 to STA 'A' 14+40
GLACIER BEAR BOULEVARD



STA 'B' 10+00 to STA 'B' 13+50
TIMBERWOLF LANE

RECEIVED
JUL 30 2015
PERMIT CENTER/DND

APPROVED
DATE
BY

DESIGNED
DATE
BY

CHECKED
DATE
BY

DRAWN
DATE
BY

IN CHARGE
DATE
BY

ROADWAY PROFILES

STATE OF ALASKA
Department of Transportation
Division of Engineering
Juneau, Alaska

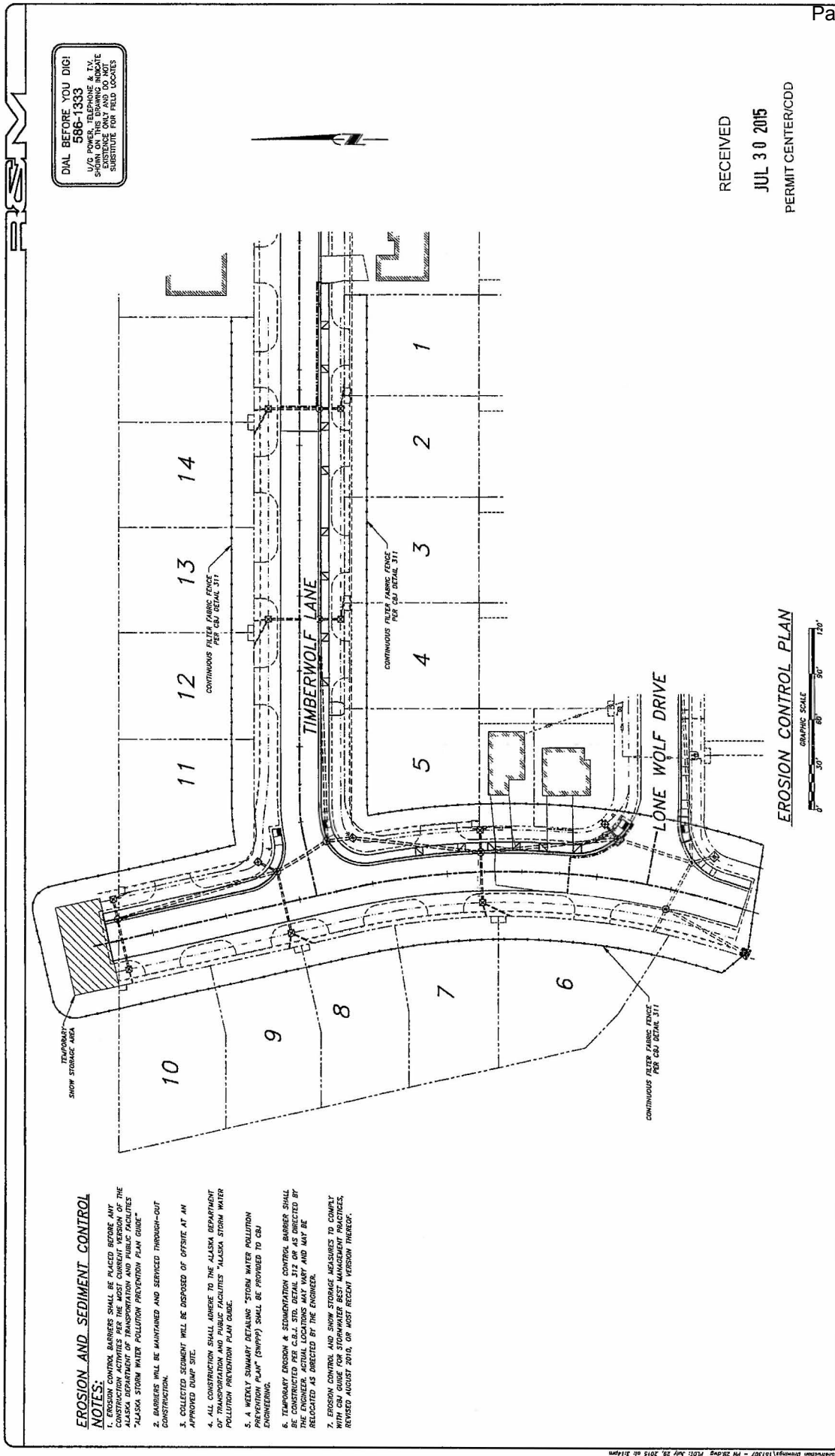
R & M ENGINEERING, INC.
ENGINEERS
8025 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH. (907) 780-5060 - FX. (907) 780-4611
E-MAIL: rmenengineering@junEAU.com

MONTANA CREEK WEST
PHASE 2B
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU ALASKA
CLIENT: BECKWELL INCORPORATED
P.O. BOX 3317
JUNEAU, ALASKA 99803

Attachment D - Phase 2B

ATTACHMENT C





DIAL BEFORE YOU DIG!
586-1333
U.S. PUBLIC LANDS
EXISTENCE ONLY AND DO NOT
SUBSTITUTE FOR FIELD LOCATES

- EROSION AND SEDIMENT CONTROL NOTES:**
1. EROSION CONTROL BARRIERS SHALL BE PLACED BEFORE ANY CONSTRUCTION ACTIVITIES PER THE MOST CURRENT VERSION OF THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES "ALASKA STORM WATER POLLUTION PREVENTION PLAN GUIDE".
 2. BARRIERS WILL BE MAINTAINED AND SERVICED THROUGH-OUT CONSTRUCTION.
 3. COLLECTED SEDIMENT WILL BE DISPOSED OF OFFSITE AT AN APPROVED DUMP SITE.
 4. ALL CONSTRUCTION SHALL ADHERE TO THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES "ALASKA STORM WATER POLLUTION PREVENTION PLAN GUIDE".
 5. A WEEKLY SUMMARY DETAILING "STORM WATER POLLUTION PREVENTION PLAN" (SWPPP) SHALL BE PROVIDED TO C&J ENGINEERING.
 6. TEMPORARY EROSION & SEDIMENTATION CONTROL BARRIERS SHALL BE MAINTAINED AND SERVICED THROUGH-OUT CONSTRUCTION. THE ENGINEER SHALL LOCATE, DESIGN, CONSTRUCT, AND MAINTAIN THE BARRIERS AS DIRECTED BY THE ENGINEER.
 7. EROSION CONTROL AND SNOW STORAGE MEASURES TO PREVENT WITH C&J GUIDE FOR STORMWATER BEST MANAGEMENT PRACTICES, REVISED AUGUST 2010, OR MOST RECENT VERSION THEREOF.

RECEIVED
JUL 30 2015
PERMIT CENTER/CDD

EROSION CONTROL PLAN



DATE: 06/18/2015
BY: J.M.
CDD

10

EROSION CONTROL PLAN, DETAILS

DESIGN: J.M.P.
DRAWN: J.M.P.
CHECK: J.M.P.
APPROVED: J.M.P.

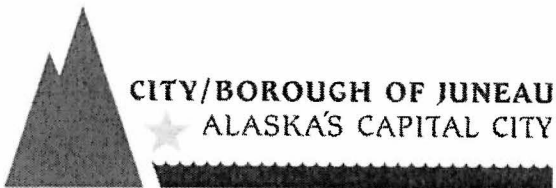
DATE: 06/18/2015
BY: J.M.
CDD

STATE OF ALASKA
JUL 11 2015
JUL 11 2015

EROSION CONTROL PLAN, DETAILS

R & M ENGINEERING, INC.
ENGINEERS
6205 GLACIER HIGHWAY - JUNEAU, ALASKA 99801
PH: (907) 780-0080 FAX: (907) 780-4611
E-MAIL: rmengeering@junEAU.com

**MONTANA CREEK WEST
PHASE 2B
CONSTRUCTION IMPROVEMENT PLANS
JUNEAU**
CLIENT: BOWELL INCORPORATED
P.O. BOX 33517
JUNEAU, ALASKA 99803



PLANNING COMMISSION

NOTICE OF DECISION

Date: June 11, 2015

File No.: SMP2015 0004

Bicknell, Inc.
PO Box 33517
Juneau, AK 99803

Application For: Major subdivision to create Montana Creek West Phase 2B.
Legal Description: Montana Creek West 2A Lot 30A
Parcel Code No.: 4-B29-0-116-040-0
Hearing Date: June 9, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 1, 2015, after amending finding 4 as shown below, and modified the preliminary plat with the street design as approved with the original Planned Unit Development (SUB2005-00048 and SUB2006-00018) shown as "attachment F" and with the modified sidewalk design as shown as "attachment H" in the attached staff report, with the following advisory condition:

Amended Finding

4. Will the proposed development materially endanger the public health or safety?

2005 PUD Subdivision Design with revised sidewalk design

No. The 2005 PUD and revised sidewalk design will not materially endanger the public health or safety because it meets local fire code with future connections to a second access point and does not create danger.

Advisory Condition:

1. The applicant should consider amending the Planned Unit Development in regard to sidewalk design so that future phases would be reviewed for conformance with the potentially revised sidewalk plan.

Attachment: June 1, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMP2015 0004.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

Bicknell, Inc.
 File No.: SMP2015 0004
 June 11, 2015
 Page 2 of 2

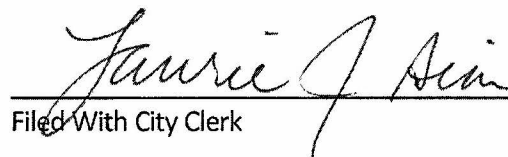
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, June 9, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or December 9, 2016, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 
 Eric Feldt, Planner
 Community Development Department


 Michael Satre, Chair
 Planning Commission

 6/12/15
 Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

ERING, INC.

2

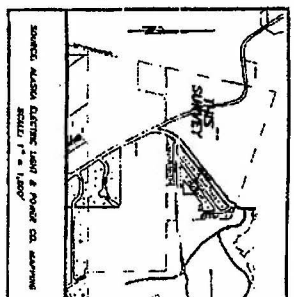
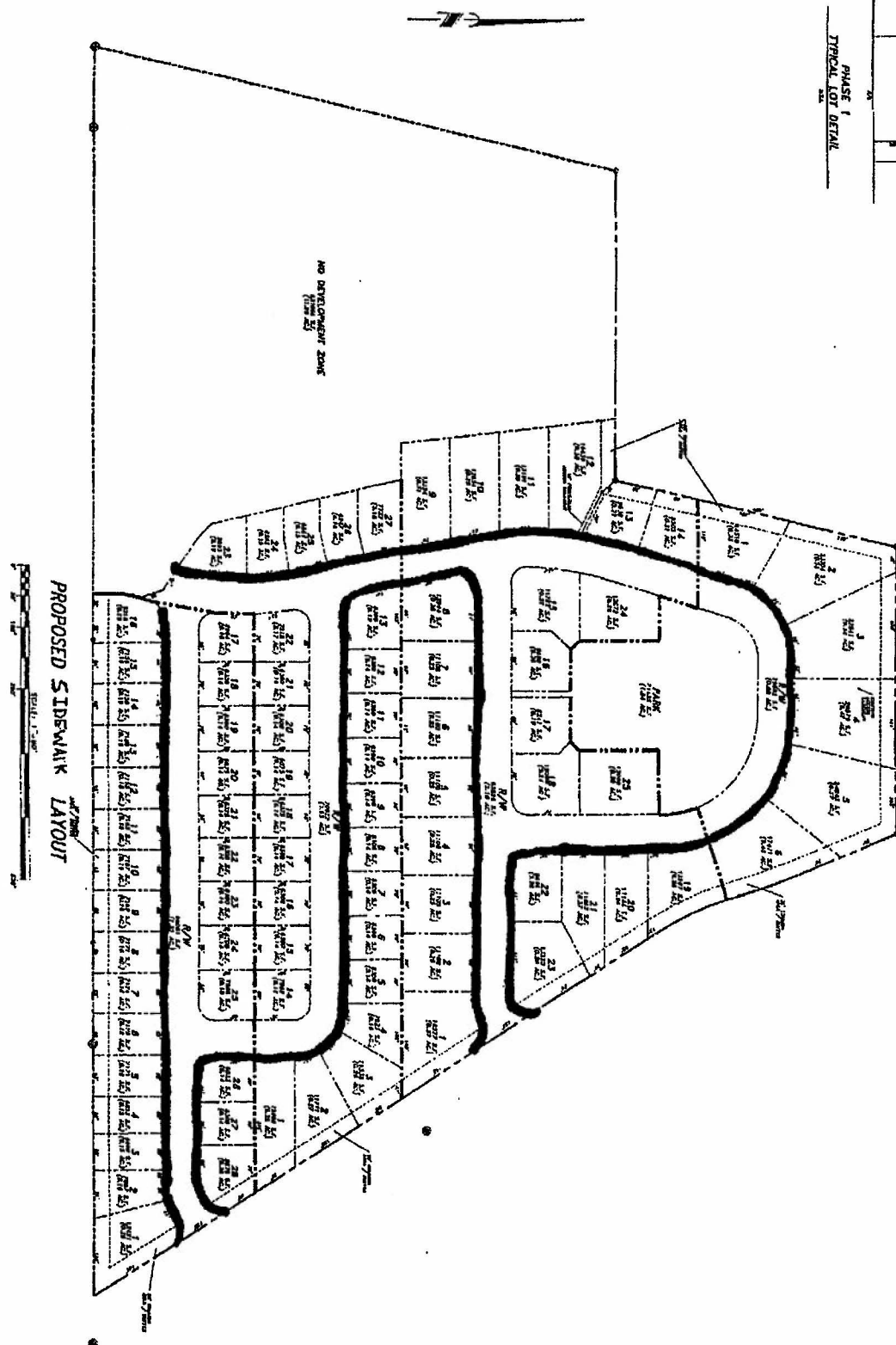
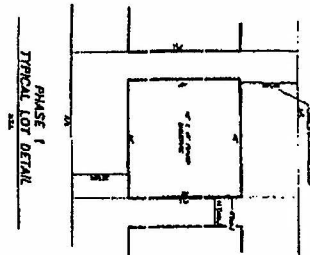
	TR CO., MURPHY
007-24, .001)	
007-20, .001)	
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007-20, .001)	

case

INTRODUCTION

ATTACH

ATTACHMENT D



PHASE 1	28 LOTS
PHASE 2	30 UNITS
PHASE 3	24 UNITS
PHASE 4	24 UNITS
PHASE 5	24 UNITS
PHASE 6	24 UNITS
PHASE 7	24 UNITS
PHASE 8	24 UNITS
PHASE 9	24 UNITS
PHASE 10	24 UNITS
PHASE 11	24 UNITS
PHASE 12	24 UNITS
PHASE 13	24 UNITS
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PHASE 96	24 UNITS
PHASE 97	24 UNITS
PHASE 98	24 UNITS
PHASE 99	24 UNITS
PHASE 100	24 UNITS

A PRELIMINARY SUBDIVISION PLAT
OF
TRACT 14, U.S. SURVEY NO. 2178
MONTANA CREEK WEST
PHASES 1, 2 AND 3
THE CITY & BOROUGH OF ANCHORAGE, ALASKA

DATE: 10/1/14
SHEET: 1 OF 1

CERTIFICATE OF PLAT APPROVAL

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. SMF 2015 0006 DATED February 9, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA. DATED: February 5, 2016.

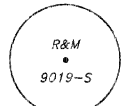
Mike Sarnau
CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:
Lucie J. Aie
CLERK CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION



TYPICAL MONUMENT

(ESTABLISHED THIS SURVEY)



SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP
ON 3/8" DIA. x 36" IRON PIN EXPOSED 2"

TABLE OF CURVES

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD	DIRECTION	CHORD LENGTH
1	98°37'48"	25.00'	43.04'	29.06'	S40°37'17"W		35.92'
2	06°39'13"	530.00'	61.55'	30.81'	N05°22'01"W		61.51'
3	13°59'07"	470.00'	114.72'	57.65'	S06°14'04"W		114.44'
4	08°29'28"	470.00'	69.65'	34.89'	N05°00'14"W		69.59'
5	01°32'04"	470.00'	12.59'	6.29'	S01°31'31"E		12.59'
6	06°57'24"	470.00'	57.07'	28.57'	N05°45'15"W		57.03'
7	03°32'01"	470.00'	28.99'	14.50'	N11°00'57"W		28.98'
8	84°42'29"	25.00'	36.96'	22.79'	S55°08'12"E		33.69'
9	07°25'38"	130.00'	16.85'	8.44'	S86°13'22"W		16.84'
10	10°37'26"	500.00'	92.71'	46.49'	N07°23'14"W		92.58'
11	12°43'09"	100.00'	22.20'	11.15'	S83°34'37"W		22.15'
12	90°00'00"	55.00'	86.39'	55.00'	N45°03'49"W		77.78'
13	300°00'00"	60.00'	314.16'	34.64'	S77°13'02"W		60.00'

EASEMENT NOTE:

OTHER THAN AS SHOWN, THERE IS AN IMPLIED PRIVATE DRAINAGE, MAINTENANCE AND ACCESS EASEMENT ALONG ALL SIDE PROPERTY LINES BEING 5' WIDE AND CENTERED ON THE PROPERTY LINE.

PLANNED UNIT DEVELOPMENT NOTES

- 1.) THE TOTAL NUMBER OF DWELLING UNITS PER LOT ALLOWED FOR LOTS 1-28 IS ONE (1).
- 2.) THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF MONTANA CREEK WEST PUD. FENCES, SHEDS, DECKS, PATIOS, AND ALL OTHER STRUCTURES ARE NOT ALLOWED IN THE PERIMETER BUFFER. DISTURBANCE TO THIS BUFFER IS LIMITED TO SELECTIVE TRIMMING OF BRANCHES, AND SMALL BUSHES. SEE NOTE 3.
- 3.) THIS SUBDIVISION SHALL ADHERE TO THE REQUIREMENTS OF C.B.J. ORDINANCE 2005-31 AS FOLLOWS:
 - ZONING FOR ALL LOTS WITHIN THIS SUBDIVISION IS ZONED D-3;
 - LOT 29 IS DESIGNATED AS A NO DEVELOPMENT AREA, COMMON OPEN AREA;
 - THERE SHALL BE NO DEVELOPMENT IN AREAS WHERE WETLANDS AND FLOODPLAINS COINCIDE
 - DEVELOPMENT OF WETLANDS FOR LOTS 1-28 AND LOT 30A SHALL BE ALLOWED AND DEEMED CONSISTENT WITH ENFORCEABLE POLICIES OF THE JUNEAU COASTAL MANAGEMENT PROGRAM AS ADOPTED IN CBJ 49.70.100, IF SUCH DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE CBJ LAND USE CODE;
 - DENSITY ALLOWANCE OF A PARCEL WHICH IS SUBJECT TO THE DEVELOPMENT RESTRICTIONS OF CURRENT ZONING SHALL BE TRANSFERABLE TO THE FRACTION OF ANY SUCH PARCEL OF WHICH IS NOT SUBJECT TO RESTRICTIONS OF CURRENT ZONING PURSUANT TO THE REQUIREMENTS OF THE PLANNED UNIT DEVELOPMENT PROCESS AS SET FORTH IN CBJ 49.15.600
- 4.) BY THIS PLAT AN EASEMENT IS GRANTED TO THE RESIDENTS OF MONTANA CREEK WEST ON ALL COMMON OPEN AREAS WITHIN THIS SUBDIVISION FOR THE PURPOSE OF ACCESS FOR RECREATIONAL USES AND TO ALLOW FOR THE DEVELOPMENT OF HIKING/WALKING TRAILS AND WETLANDS ENHANCEMENT POTENTIAL.
- 5.) NO ADDITIONAL DWELLING UNITS ARE ALLOWED ON LOTS 1 THROUGH 15.
- 6.) WITH THE EXCEPTION OF PARKS AND TRAILS, ALL DEVELOPMENT WITHIN THIS PHASE MUST BE SETBACK FROM THE EXTERIOR BOUNDARY A MINIMUM OF 25 FEET.
- 7.) BUILDING SETBACKS WITHIN THIS SUBDIVISION SHALL BE:
 - MINIMUM FRONT YARD SETBACK = 20'
 - MINIMUM REAR YARD SETBACK = 15'
 - MINIMUM SIDE YARD SETBACK = 5'
 - MINIMUM STREET SIDE YARD SETBACK = 13'

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE Jan 26, 2016

OWNER *Roscoe G. Bicknell III*
POA *Roscoe G. Bicknell III*
OWNER *Roscoe G. Bicknell IV*
POA *Roscoe G. Bicknell IV*

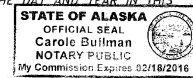
NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS 26 DAY OF January, 2016, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED ROSCOE G. BICKNELL III AND ROSCOE G. BICKNELL IV TO ME, KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Carole Bullman
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 2/18/2016



VICINITY MAP

SOURCE: ALASKA ELECTRIC LIGHT & POWER CO. MAPPING
SCALE: 1" = 1,000'

LEGEND

- ① G.L.O./B.L.M. MONUMENT (RECOVERED BY PREVIOUS SURVEY, [2007-20, JRD])
- ② PRIMARY MONUMENT BY OTHERS (RECOVERED BY PREVIOUS SURVEY, [2007-20, JRD])
- ③ SECONDARY MONUMENT BY OTHERS (RECOVERED BY PREVIOUS SURVEY, [2007-20, JRD])
- ④ 7570-S SECONDARY MONUMENT (ESTABLISHED BY PREVIOUS SURVEY, [2007-20, JRD])
- ⑤ 7570-S PRIMARY MONUMENT (ESTABLISHED BY PREVIOUS SURVEY, [2007-20, JRD])
- ⑥ SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- ⑦ NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
- BOUNDARY / PROPERTY LINE
- UNSURVEYED PROPERTY LINE
- EASEMENT

GENERAL NOTES

- 1.) THE BASIS OF HORIZONTAL CONTROL FOR THIS SURVEY WAS BETWEEN RECOVERED G.L.O./B.L.M. MONUMENTS FOR CORNER 2, U.S. SURVEY 2178 AND CORNER 4, U.S. SURVEY 2079 HAVING A RECORD BEARING OF EAST.
- 2.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED, THE RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESES WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESES.
- 3.) THE RIGHT-OF-WAY FOR MONTANA CREEK ROAD WAS DETERMINED FROM PLAT NO. 90-60 ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
- 4.) THE J.W. BEAN MONUMENT RECOVERED AT THE SOUTHWEST CORNER OF LUPINE ACRES SUBDIVISION (PLAT NO. 78-17) WAS DETERMINED TO BE 3.03' INTO THE MONTANA CREEK ROAD RIGHT-OF-WAY.
- 5.) THE EXTERIOR BOUNDARY OF THIS SUBDIVISION IS BASED ON "A SUBDIVISION PLAT OF TRACT 1, U.S. SURVEY NO. 2178 INTO TRACTS 1A AND 1B, U.S. SURVEY NO. 2178" ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE AS PLAT NO. 2005-33. MINOR ADJUSTMENT THE BOUNDARY HAVE BEEN MADE TO EFFECT MATHEMATICAL CLOSURE.

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 4 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.

DATE: 1-22-2016
SMF 2015-0006

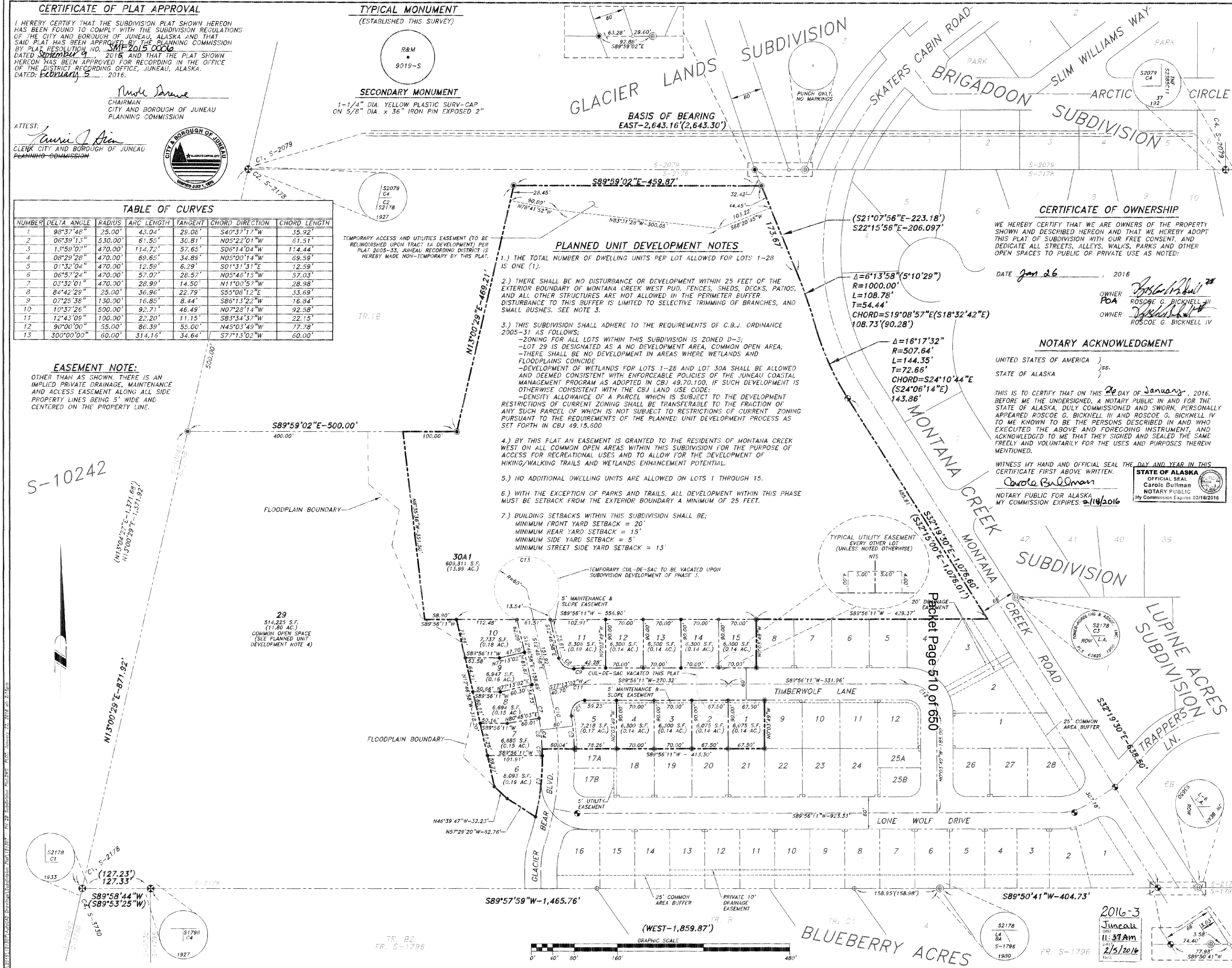
MONTANA CREEK WEST PHASE 2B

A SUBDIVISION OF
LOT 30A,
MONTANA CREEK WEST PHASE I
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

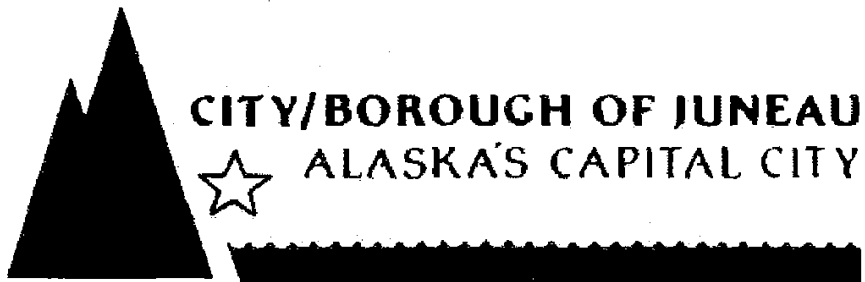
OWNER: ROSCOE G. BICKNELL III & IV
P.O. BOX 3357
JUNEAU, ALASKA 99803

SURVEYOR: R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

SHEET 1 OF 1
SCALE: 1"=80'
DATE: JANUARY 22, 2016 R&M PROJ. NO. 151307



Juneau 2016-3



Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-0377 Phone
(907) 586-5367 Fax

CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

Packet Page 511 of 650

ROSCOE BICKNELL III & ROSCOE BICKNELL IV

Current Owner

MONTANA CREEK WEST 2A LT 30A

Legal Description

4-B29-0-116-040-0

Parcel Code Number

and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year.

Cheryl A Crawford
Cheryl A. Crawford

January 29, 2016

Date

This Certification of Payment of Taxes is valid through June 30, 2016



Photos of homes constructed Lots 17A/17B (top) and 25A/25B (bottom), Phase 1 Montana Creek West. These are former corner lots which were further subdivided in a similar manner to the subject lots

Attachment E – Similar Lots

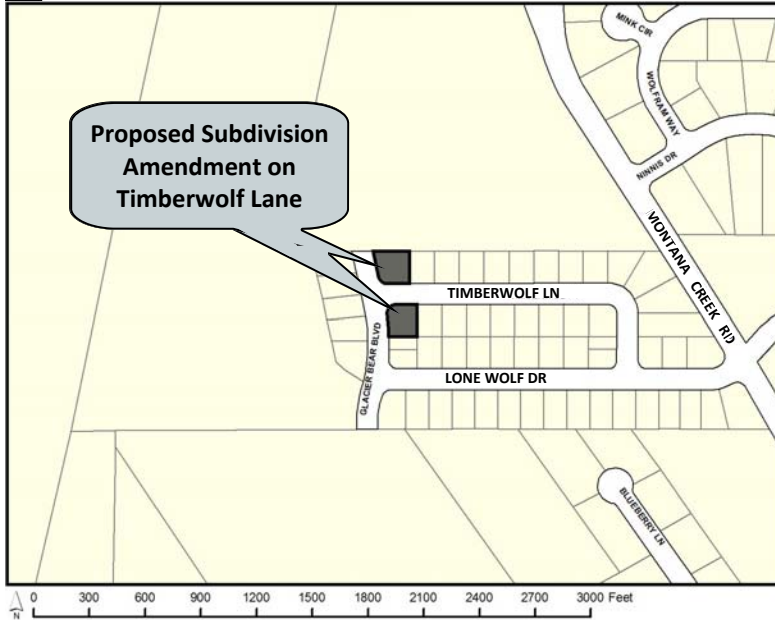
From: cathy cathy <cathysquires@hotmail.com>
Sent: Tuesday, May 7, 2019 12:35 PM
To: PC_Comments
Subject: Amendment to Montana Creek

Hello, as a homeowner in the Montana Creek subdivision my main question about the division of 2 lots into four is: is this being done to put duplexes on the lots? If they are still putting single family unattached houses on the lots I am not opposed to this, but attached duplexes I am opposed to.

Thank you,
Cathy Squires
Sent from my iPad

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **major amendment to Montana Creek West Phase 2B to allow subdivision of two (2) lots into four (4) lots** located on **Timberwolf Lane** in a **D3 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, May 20, 2019** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

Comments received during this period will be sent to the Planner, **Tim Felstead**, to be included in the staff report.

May 7 through 12 noon, May 24

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 28, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: PDF2019 0001; SMP2019 0002;
SMF2019 0001
Parcel No.: 4B2901160411; 4B2901160405
CBJ Parcel Viewer: <http://epv.juneau.org>

PDF2019-0001/SMP2019-0002/SMF2019-0001

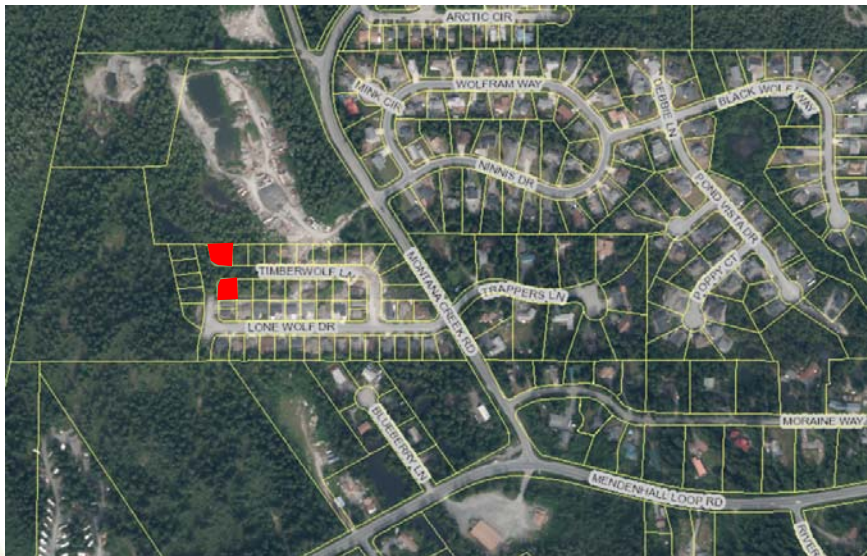
Amendment to Montana Creek West Planned Unit Development (PUD) to allow subdivision of two lots (Lots 5 and 11) into four lots

**Planning Commission Meeting
May 28, 2018**



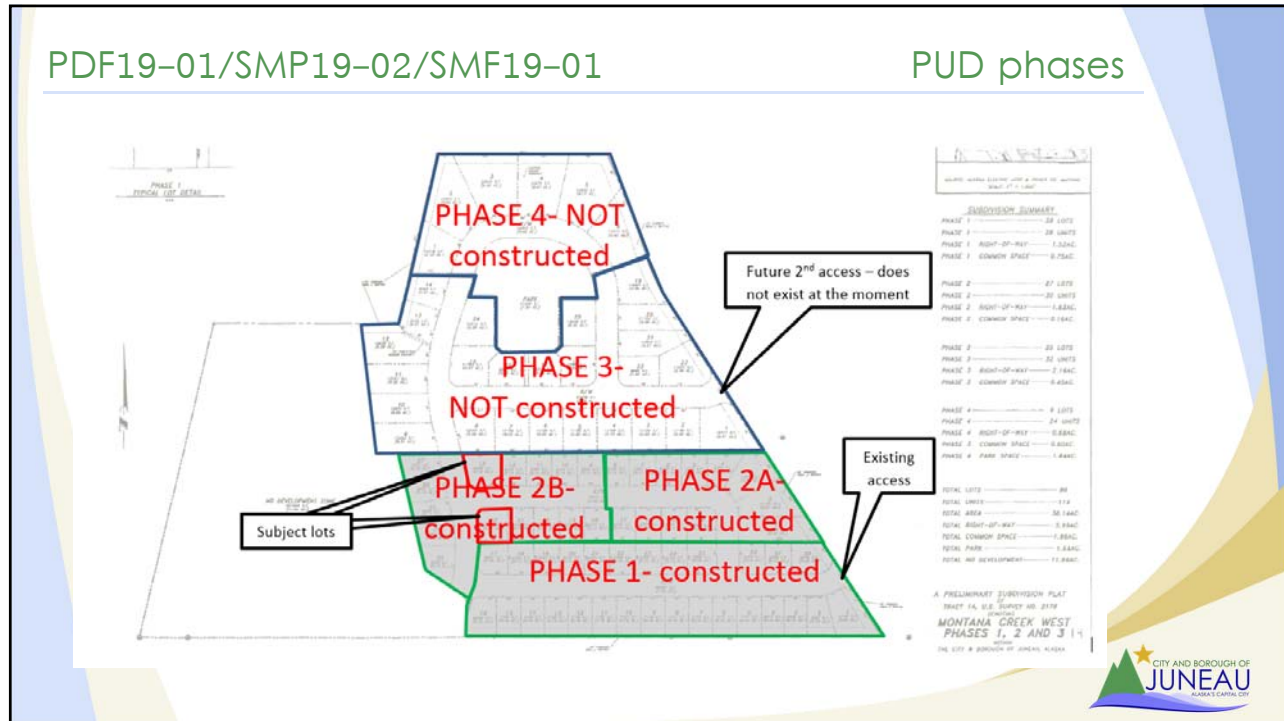
PDF19-01/SMP19-02/SMF19-01

Vicinity Map



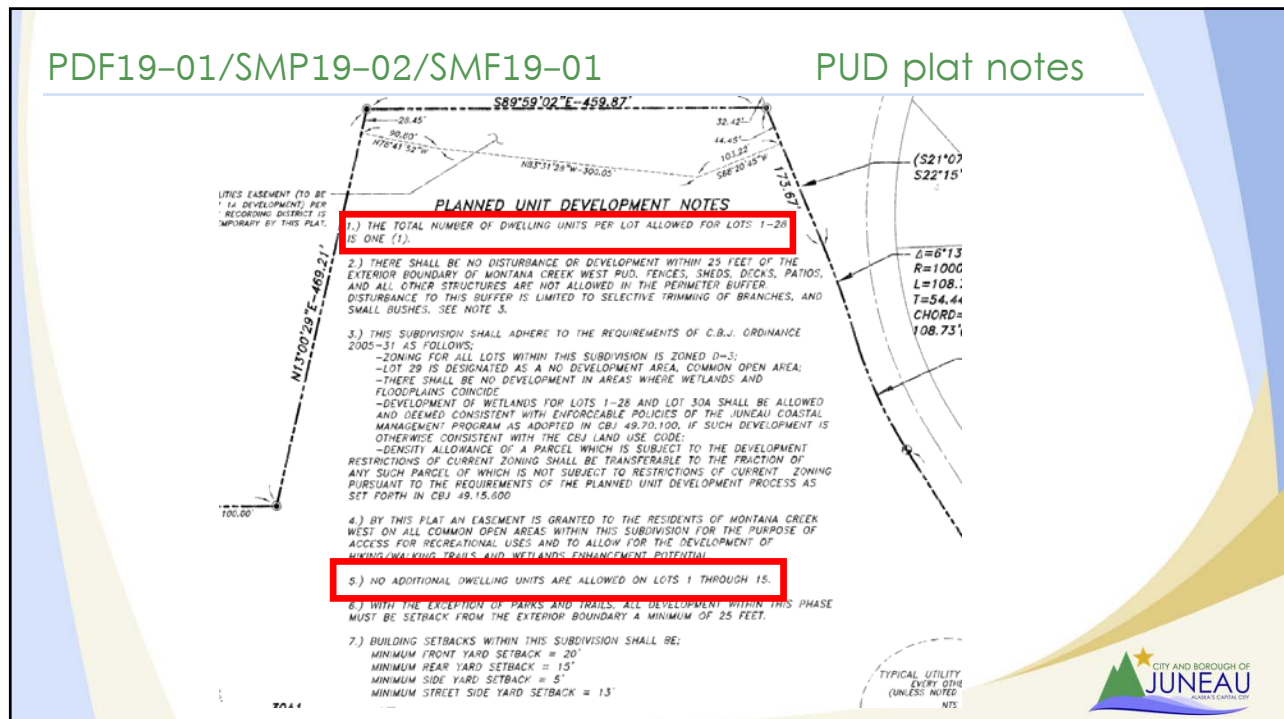
PDF19-01/SMP19-02/SMF19-01

PUD phases



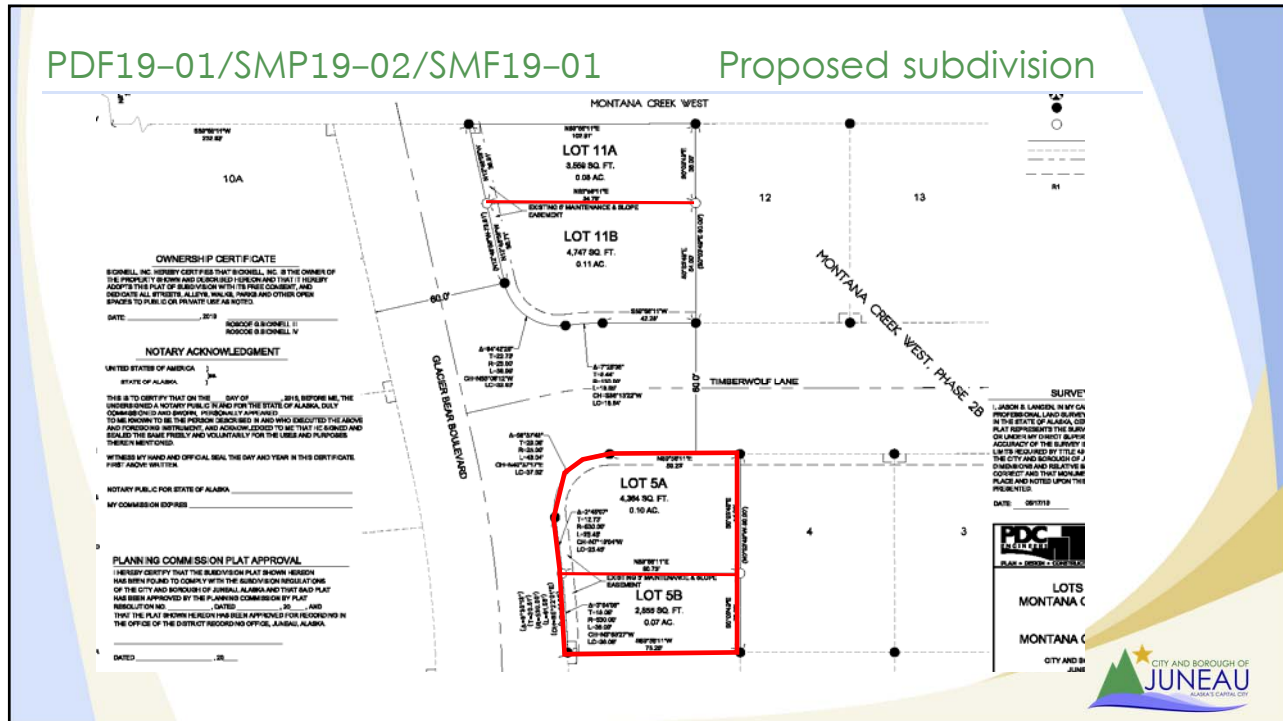
PDF19-01/SMP19-02/SMF19-01

PUD plat notes



PDF19-01/SMP19-02/SMF19-01

Proposed subdivision



PDF19-01/SMP19-02/SMF19-01

Previously subdivided corner lots



PDF19-01/SMP19-02/SMF19-01

PUD amendment

- Major PUD amendments are reviewed by the Planning Commission in accordance with the original plan approval.
- The proposal and the associated plat meet the conditions and requirements of the original plan approval. Some conditions are not applicable to the subject amendment.
- Approval of the subdivision will not have any significant impacts. The number of dwelling units being approved was already considered in the original PUD approval. It would allow potential for two 600 square foot accessory apartments that would not be allowed on a duplex lot but this would need Planning Commission approval since these are undersized lots.
- The proposal is consistent with the Comprehensive Plan
- Conditions are recommended that clarify some of the standard plat notes on the Phase 1, 2A, and 2B plats.



PDF19-01/SMP19-02/SMF19-01

Subdivision approval

- The plat has been reviewed against the technical subdivision requirements in terms of surveying and monumentation, and public and private improvements.
- The applicant has submitted a revised plat that addressed CDD's review and also addresses the proposed conditions associated with the PUD Amendment.
- A financial guarantee has been posted for all the required improvements subject to Planning Commission approval of the subdivision.
- Requirements for both the preliminary and final subdivision approval have been met provided there are no changes to recommended conditions of the PUD amendment or the preliminary plat.



PDF19-01/SMP19-02/SMF19-01

Recommendation -
amendment (1)

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested amendment to Planned Unit Development Permit SUB2005-00048 and SMF2015-0016. The permit would allow the subdivision of Lots 5 and 11 within Phase 2 of the Montana Creek West Planned Unit Development. The approval is subject to the following conditions:

1. Approval of a major subdivision permit (SMP2019 0002 and SMF2019 0001) by the Planning Commission.



PDF19-01/SMP19-02/SMF19-01

Recommendation -
amendment (1)

2. Prior to recording of the associated subdivision plat, it needs to be made clear that the restriction to one dwelling on Lots 5, 6, and 11 was an oversight during the Phase 2B subdivision. Planned Unit Development Plat Note #1 shall be amended regarding the number of dwelling units per lot.

The plat note should additionally state that the limitation on the number of dwelling units on the Phase 2B plat should have identified that Lots 5, 6, and 11, Phase 2B, were originally approved as potential duplex lots (i.e. two dwelling units) under the 2005 preliminary approval of the PUD.



PDF19-01/SMP19-02/SMF19-01

Recommendation –
amendment (1)

3. Prior to recording of the associated subdivision plat, add a plat note under Planned Unit Development Notes stating that the maximum lot coverage for the Planned Unit Development is 50%. This will ensure future building permit reviews do not mistakenly require the standard that normally applies in D3 zoning.
4. Prior to recording of the associated subdivision plat, it needs to be made clear that the restriction to one dwelling unit does not preclude accessory apartments. Planned Unit Development Plat Note #5 shall be amended. The plat note should additionally state that accessory apartments may be allowed in accordance with CBJ 49.25.510(k) 'Accessory Apartments'.



PDF19-01/SMP19-02/SMF19-01

Recommendation –
Preliminary plat

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the subdivision of Lots 5 and 11, Montana Creek West Phase 2B. This approval would allow the review of a final plat application. It is further recommended that the preliminary plat approval is subject to the following conditions:

1. Prior to plat recording, the applicant should address any conditions regarding the plat as required by approval of PDF2019 0001.



PDF19-01/SMP19-02/SMF19-01

Recommendation -
Final plat

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Final Plat. The permit would allow Final Plat Approval for the subdivision of Lots 5 and 11, Montana Creek West Phase 2B.





Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: May 30, 2019
File No.: PDF2019 0001

Roscoe Bicknell IV
P.O. Box 33517
Juneau, AK 99803-3517

Proposal: A major amendment to Montana Creek West Planned Unit Development to allow subdivision of two lots (Lots 5 and 11) into four lots

Property Address: No address

Legal Description: Lots 5 and 11, Montana Creek West 2B

Parcel Code No.: 4B2901160405 and 4B2901160411 respectively

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 17, 2019, and approved the Planned Unit Development for a major amendment to Montana Creek West Planned Unit Development to allow subdivision of two lots (Lots 5 and 11) into four lots to be conducted as described in the project description and project drawings submitted with the application and with the following AMENDED conditions:

1. A major subdivision permit (SMP2019 0002 and SMF2019 0001) shall be approved by the Planning Commission.
2. Planned Unit Development Plat Note #1 shall be amended to accurately reflect the allowed number of dwelling units per lot under the 2005 preliminary approval of the Planned Unit Development.
3. A plat note shall be added under Planned Unit Development Notes stating that the maximum lot coverage for the Planned Unit Development is 50%. This will ensure future building permit reviews do not mistakenly require the standard that normally applies in D3 zoning.
4. Planned Unit Development Plat Note #5 shall be amended to make clear that the restriction to one dwelling unit does not preclude accessory apartments. The plat

Roscoe Bicknell IV
 File No.: PDF2019 0001
 May 30, 2019
 Page 2 of 2

note should additionally state that accessory apartments may be allowed in accordance with CBJ 49.25.510(k) 'Accessory Apartments'.

Attachments: May 20, 2019, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding PDF2019 0001.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

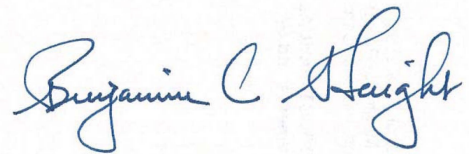
Effective Date: The permit is effective upon approval by the Commission, May 28, 2019

Expiration Date: The permit will expire 18 months after the effective date, or November 28, 2020 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

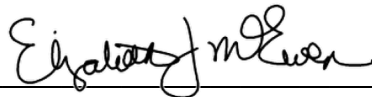
Project Planner:



Tim Felstead, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission



Filed With Municipal Clerk

5/31/2019

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 20, 2019

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the printed name.

FILE NO.: SMP2019 0002/SMF2019 0001

PROPOSAL: Preliminary plat approval for major subdivision within Montana Creek West Phase 2B of two (2) lots (Lots 5 and 11) into four (4) lots

Final plat approval for major subdivision within Montana Creek West Phase 2B of two (2) lots (Lots 5 and 11) into four (4) lots

GENERAL INFORMATION

Applicant: Roscoe Bicknell IV

Property Owner: Roscoe Bicknell IV

Legal Description: LOTS 5 and 11, Montana Creek West 2B

Parcel Code No.: 4B2901160405 and 4B2901160411 respectively

Site Size: 7,218 square feet (0.1637 acres) and 8,306 square feet (0.1907 acres) respectively

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential (ULDR)

Zoning: D3

Utilities: Public Water/Public Sewer

Access: Timberwolf Lane or Glacier Bear Boulevard

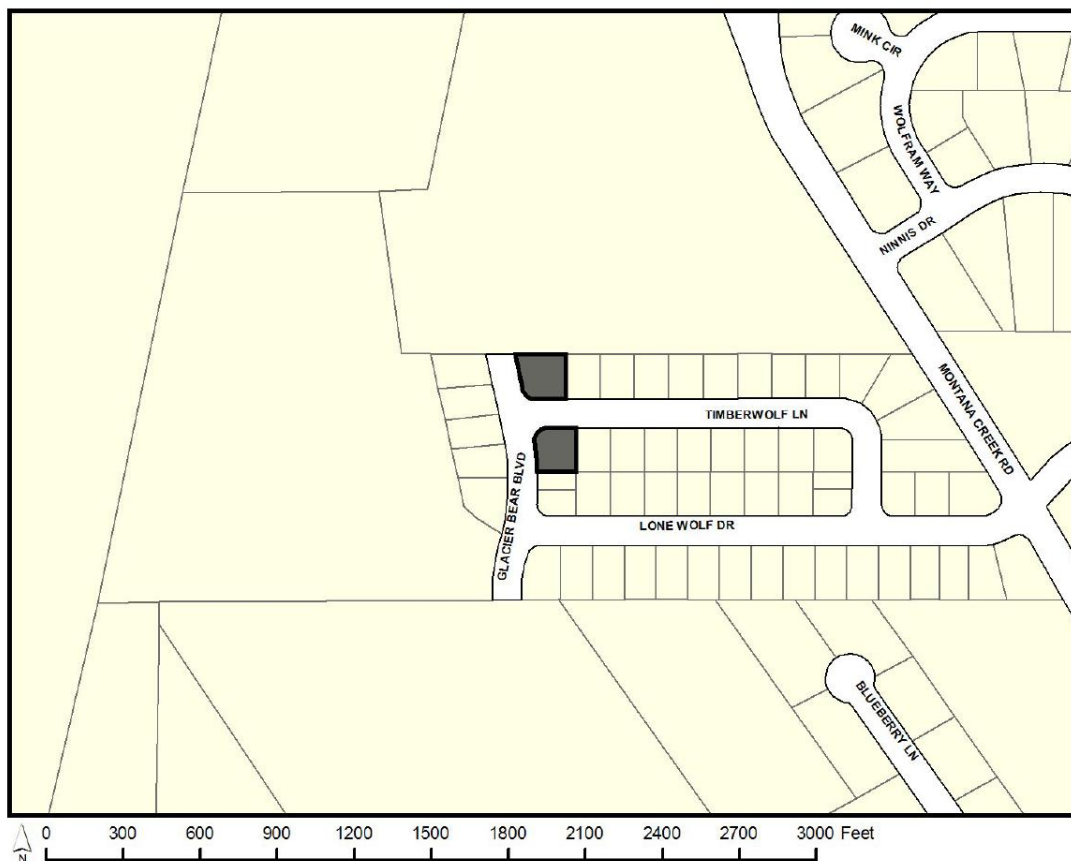
Existing Land Use: Vacant

Planning Commission
File No.: SMP2019 0002/SMF2019 0001
May 20, 2019
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Surrounding Land Use:

- North – Vacant (D3)
- South – Single family dwelling (D3)
- East – Single family dwelling or vacant (D3)
- West – Glacier Bear Boulevard Right-of-Way; Vacant (D3)

VICINITY MAP



ATTACHMENTS

Attachment A – Application including first submittal of preliminary plat
Attachment B – Revised preliminary plat with technical corrections based on CBJ review and corrections according to recommended conditions in PDF2019 0001

Planning Commission
File No.: SMP2019 0002/SMF2019 0001
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PROJECT DESCRIPTION

The applicants are proposing to further subdivide two lots within the Montana Creek West Planned Unit Development (PUD). Each existing lot would be subdivided into two lots (Lots 5 and 11). Lot 5 would be divided into a 2,855 square foot lot and a 4,364 square foot lot, while Lot 11 would be divided into a 3,559 square foot lot and a 4,747 square foot lot.

The review of the preliminary plat and final plat are addressed in one staff report. The applicant hopes to expedite approval of the final plat and has submitted a revised plat that addresses all of the recommended conditions in the associated PUD amendment (PDF2019 0001). Staff have already undertaken a technical review of the plat and associated construction drawings and the applicant has addressed any required changes.

As a result, a common analysis is appropriate for both the preliminary and final plats although separate findings are required. The final plat shall not be approved by the Commission unless all conditions for the preliminary plat are met.

BACKGROUND

The overall Montana Creek West PUD was first approved in 2005. The PUD was split into 4 phases of development – Phases 1 to 4. Phase 2 was split into two sub-phases – Phase 2A and 2B. The subject subdivision would be of two lots within Phase 2B. Phases 3 and 4 have yet to be reviewed by the Planning Commission.

While the Montana Creek West PUD is zoned D3, the lot sizes within the phases to date are less than the D3 minimum lot size of 12,000 square feet. This reduction in lot size was approved by the Planning Commission during the original PUD approval in 2005. It allows the same number of dwelling units that would have been able to fit onto the entire PUD site to be located on a smaller portion of the PUD site, with the intent to preserve wetlands and shifted development away from a flood hazard zone. Lot 29 of Phase 1 of the PUD was set aside to this end while also providing common open space dedicated to residents of the PUD. The dwellings that could have been located in the area covered by Lot 29 were instead shifted to the remaining portion of the PUD through a mix of smaller lot sizes and allowance of multi-family dwellings.

The largest lot size in Phases 1, 2A, and 2B is 12,698 square feet and the smallest lot size is 2,810 square feet. The majority are between 6,000 and 8,000 square feet in size.

Water and sewer utilities, and streets within the PUD, are maintained by CBJ.

Although this subdivision will only result in four lots, the PUD provisions in CBJ 49.15.620(a)

Planning Commission

File No.: SMP2019 0002/SMF2019 0001

May 20, 2019

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requires a subdivision within a PUD to be reviewed as a major subdivision:

General procedure. A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

Additionally, per CBJ 49.15.660(c), the proposed subdivision is considered a major amendment to the existing PUD approval:

(c) Major amendment. All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

A separate staff report addressing the PUD amendment is addressed under PDF2019 0001.

ANALYSIS

Zoning – The preliminary plat and associated construction plans submitted with the application have been reviewed by staff for compliance with CBJ 49.15.411. Technical corrections have been provided to the applicant. To expedite review and possible approval of a final plat, the applicant has also addressed the recommended conditions in PDF2019 0001. The applicant's revised preliminary plat and construction plans address all of these corrections and conditions (Attachment B).

In case of revision to the recommendations in PDF2019 0001 by the Commission, it is recommended, as a condition of preliminary plat approval, that conditions from PDF2019 0001 are addressed before final plat approval. Commission approval of a final plat requires that all conditions of the preliminary plat are addressed. Therefore, final plat approval on the same meeting as the preliminary plat would not be possible if there are further changes required to the preliminary plat.

CBJ 49.15.670(c) does not require a minimum lot size within a PUD with lot sizes being reviewed during the original PUD approval. The modification to the PUD (PDF2019 0001) will need approval by the Commission before the subdivision can be approved.

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The original PUD plat notes have been reviewed and modified to reference the appropriate PUD plat (e.g. the Phase 1 plat in reference to 'Lot 29', the common open space lot).

Each lot provides a reasonable, buildable area after setbacks and maximum lot coverage are taken into account.

Drainage – The applicant intends to drain surface runoff toward existing area drains located along the front or street side lot lines. The existing lots each have a stub out connecting to the subdivision underground storm water system. Each new lot will provide a similar connection. Drainage easements 5 feet on either side of common lines have been carried forward from the Phase 2B plat and existing slope and maintenance easements at the front/street-side lot lines have been retained. CBJ Engineering have reviewed the proposed subdivision construction plans and requested updates to new curb cut locations, new stub-outs, and proposed grading. The ability to provide satisfactory drainage has been demonstrated with the application. Approved construction plans will be required before approval of the final plat (SMF2019 0001).

Wetlands – The subject lots have already been filled and graded. It was not part of wetlands that were to be preserved as a condition of the original PUD approval.

Habitat – No habitat regulated by CBJ would be affected by the proposed subdivision.

Access – The applicant proposes that each resulting lot would have its own dedicated driveway. The existing curb cut will need to be removed and new curb cuts installed for the proposed driveway locations for Lot 11A. These modified curb cut locations have been shown on the amended construction plans. CBJ Engineering are satisfied that the submitted construction plans demonstrate the access can be constructed to meet CBJ standards. The driveway improvements are not something that needs to be constructed as part of the subdivision improvements and can be constructed at the time of construction of homes on the lots.

Traffic Analysis – Per CBJ 49.40.300, a traffic impact analysis may be required if a development is projected to generate 250 or more average daily trips. The proposed development will not add additional traffic beyond what was already addressed in the original PUD approval. The subject development is below the threshold that would trigger an additional traffic impact analysis.

Pedestrian Access – Existing pedestrian access will not be affected by the subdivision. Sidewalk exists in front of these two subject lots. The subdivision would not alter the approved, existing pedestrian circulation.

PRELIMINARY PLAT FINDINGS

Per CBJ 49.15.402(4) Major Subdivisions, the Director shall prepare and submit a report to the

Planning Commission

File No.: SMP2019 0002/SMF2019 0001

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Planning Commission noting any conditions of approval or plat notes recommended and addressing the following criteria:

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

Yes. The revised preliminary plat complies with CBJ 49.15.411.

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

Yes. The modified subdivision preliminary plat (Attachment A) meets the standards of Title 49 subject to approval of PDF2019 0001.

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

Yes. All lots have building sites that have been found suitable with the D3 zoning district through the PUD process.

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

Not applicable. Streets already exist.

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

- (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;**
- (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;**
- (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with the Land Use Code; and**
- (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.**

Yes. The subdivision has been reviewed by the Director of Engineering and Public Works. They have determined that the subdivision can be constructed to comply with all applicable improvements for drainage and water quality, traffic and access, access to public

Planning Commission

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sewer, and other necessary improvements as required by the Land Use Code. Associated subdivision construction plans have been approved by CBJ Engineering

CBJ 49.15.402(5) Major Subdivisions, in issuing its notice of decision on a preliminary plat, the Commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

PRELIMINARY PLAT RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the subdivision of Lots 5 and 11, Montana Creek West Phase 2B. This approval would allow the review of a final plat application. It is further recommended that the preliminary plat approval is subject to the following conditions:

1. Prior to plat recording, the applicant should address any conditions regarding the plat as required by approval of PDF2019 0001.

FINAL PLAT FINDINGS

CBJ §49.15.402(f)(3) states:

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

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

The following conditions were required for the preliminary plat approval:

1. Prior to plat recording, the applicant should address any conditions regarding the plat as required under PDF2019 0001.

Comment: This condition is considered met unless the Planning Commission amends or adds conditions to either PDF2019 0001 or SMP2019 0002. If changes are required to the applicant's revised plat then final plat approval cannot happen until those changes have been made.

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File No.: SMP2019 0002/SMF2019 0001
May 20, 2019
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(B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and

Yes. The applicant has provided a guarantee for all required improvements per the associated construction plans.

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

Yes. The revised preliminary plat has been reviewed against the standards in 49.15.412

FINAL PLAT RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Final Plat. The permit would allow Final Plat Approval for the subdivision of Lots 5 and 11, Montana Creek West Phase 2B.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Major Amendment to Montana Creek West, Phase II B (PAC 20180076) making an amendment to the PUD by splitting Lots 5 & 11		
	PROPERTY LOCATION		
	Street Address		City/Zip
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lots 5 & 11, Montana Creek West, Phase II B		
	Assessor's Parcel Number(s) 4B2901160405 & 4B2901160411		
	LANDOWNER/ LESSEE		
	Property Owner's Name Roscoe Bicknell IV	Contact Person: David Blommer	Work Phone: 907-789-5727
	Mailing Address P.O. Box 33517, Juneau, AK 99803-3517	Home Phone:	Fax Number:
	E-mail Address dblommer@bicknellinc.com	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X Landowner/Lessee Signature		Date <u>3/4/19</u>	
X _____ Landowner/Lessee Signature		Date _____	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Fax Number:	
X _____ Applicant's Signature		Date of Application _____	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
	☒	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments: <u>See Pre-App notes & INQ letter</u>			Permit Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

I:\FORMS\2010 Applications

Revised November 2009

Attachment A - Application Including First Submittal of Preliminary Plat



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

Major amendment to Montana Creek West, Phase 2B (PAC 20180076)

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses *(USE)*

Table of Permissible Uses Category: _____

PUD uses PUD CUP process

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lots *~ 15,500* square feet

Total Area of Existing Structure(s) *NONE* square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☒ No
☒ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☐ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- NA* ☒ Floor plan(s) *NA*
- NA* ☒ Elevation view of existing and proposed buildings *NA*
- NA* ☒ Proposed vegetative cover
- NA* ☒ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

*- See adbaill
Drainage Plan not submitted
but grading
plan exists for
Montana Creek
West Phase 2B.*

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>350</i>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <i>100</i>			
Pub. Not. Sign Deposit	\$ <i>100</i>			
Total Fee	\$ <i>550</i>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

PDF 2019

Date Received

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Attachment A - Application Including First Submittal of Preliminary Plat

SUBDIVISION OR PLATTING APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
----------------	------------------------------	-------------	---------------

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

(see submittal requirements on reverse)

MINOR SUBDIVISION

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
☐ Final Plat (MIF)
☐ Panhandle Subdivision
☐ Accretion Survey
☐ Boundary Adjustment
☐ Lot Consolidation (SLC)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☐ Other _____

MAJOR SUBDIVISION

(changing or creating 14 or more lots)

- ☒ Preliminary Plat (SMP) *And*
☒ Final Plat (SMF)
☐ Preliminary Development Plan - PUD (PDP)
☒ Final Development Plan - PUD (PDF)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☒ Other Amendment to PUD - See CUP application

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED:

Lots 5 & 11, Montana Creek West, Phase II B

Number of Existing Parcels 2 Total Land Area 15,524 sq ft Number of Resulting Lots or Parcels 4

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS: ☒ NO ☐ YES If Yes, provide the Case Number _____

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO

CURRENT USE OF LAND OR BUILDING(S): Vacant, residential

PROPOSED USE OF LAND OR BUILDING(S): residential

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): Lots are within a PUD

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

SUBDIVISION/PLATTING FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>720</u> <i>440 - Prelim 280 Final</i>			
Admin. of Guarantee	\$ <u>-</u>			
Adjustment	\$ <u>-</u>			
Total Fee	\$ <u>720</u>			

*Public notice sign paid for under PDF***NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

**City and Borough of Juneau
Permit Center**

3/6/2019 8:03:14 AM
Page 1 of 4

Cash Balancing Report - Not Posted

Deposit Number : 52352 - 20190305 Cdd Payments

Seq	ENTRY DATE/EFFECTIVE	PAYOR/CUSTOMER NAME	ACCT NUMBER/BAR CODE	Additional Information	Trans Type	SS	USER ID	AMOUNT	TENDER	REFERENCE	PAYMENT
1	3/5/19 3/5/19	HERB'N LEGENDS	MJL00000024	/200643089	pmt	LM	Kyle_Paw	250.00	Credit Card	90459C	250.00
2	3/5/19 3/5/19	LOWPETE CONSTRUCTION	BLD20190064	/200023793	pmt	LM	Kyle_Paw	1,714.56	Credit Card	00308D	1,714.56
3	3/5/19 3/5/19	LOWPETE CONSTRUCTION	UTL20190013	/200023793	pmt	LM	Kyle_Paw	3,000.00	Credit Card	00308D	3,000.00
4	3/5/19 3/5/19	LOWPETE CONSTRUCTION	UTL20190014	/200023793	pmt	LM	Kyle_Paw	1,000.00	Credit Card	00308D	1,000.00
5	3/5/19 3/5/19	LOWPETE CONSTRUCTION	UTL20190014	/200023793	pmt	LM	Kyle_Paw	60.00	Credit Card	00308D	60.00
6	3/5/19 3/5/19	BICKNELL III & ROSCOE BIC	PDF20190001	/200866028	pmt	LM	Kyle_Paw	550.00	Credit Card	02309G ✓	550.00
7	3/5/19 3/5/19	BICKNELL III & IV ROSCOE	SMP20190002	/200866031	pmt	LM	Kyle_Paw	450.00	Credit Card	02309G ✓	450.00
8	3/5/19 3/5/19	BICKNELL III & IV ROSCOE	SMF20190001	/200866031	pmt	LM	Kyle_Paw	280.00	Credit Card	02309G	280.00

TOTAL \$7,304.56

PAYMENT DISTRIBUTION TO CLASS CODE		
CLASS CODE		AMOUNT
BLDG	BLD- Bldg Permit Fee	1,714.56
CLS	PLN- Class Planning	350.00
FNL	PLN- Major Sub Final	280.00
MJLIC	LIC- Marijuana License	250.00
PREL	PLN- Major Sub Prelim	450.00
PREP	Sign Prep Fee	50.00
SASS	ENG- Sewer Assessment	1,000.00
SINS	ENG- Sewer Inspection	60.00
SNDP	Sign Deposits	150.00
WASS	ENG- Water Assessment Fee	3,000.00
LM	2020	7,304.56
	Total distributed:	7,304.56

PAYMENT DISTRIBUTION BY GL ACCOUNT		
GL ACCOUNT		Amount
CREDITS		
110010101-2410-0008 Sign Deposit		(150.00)
110160101-4400-0000 License Revenues		(250.00)
110160101-4420-0008 Planning & Zoning		(1,130.00)
110160301-4410-0000 Permit Revenues - CDD		(1,714.56)
538240302-4410-0000 Permit Revenues - Swr Ext		(1,060.00)
539240301-4410-0000 Water Extension Fees		(3,000.00)
	CREDITS	(7,304.56)
DEBITS		
110010101-1050-0022 CDD Cash Clearing		7,304.56
	DEBITS	7,304.56

Attachment A - Application Including First Submittal of Preliminary Plat



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

October 17, 2018

Case No.: INQ2018 0012
Parcel No.: 4B2901160405/4B2901160411

Roscoe Bicknell
Attn: David Blommer
PO Box 33517
Juneau, AK 99803

RE: Inquiry regarding subdivision of two lots within Phase 2B of the Montana Creek West Planned Unit Development and an amendment to the Planned Unit Development Plan

Dear Mr. Blommer,

Many thanks for your inquiry seeking a determination by the Director of the Community Development Department (CDD) whether or not a subdivision of two existing lots within the Phase 2B of the Montana Creek West Planned Unit Development (PUD) would be a minor modification of the approved PUD.

The CDD Director has determined the proposed subdivision would be a major amendment to the PUD and that a review of the proposed subdivisions by the Planning Commission will be required.

The determination is based on the following facts:

The Montana Creek West PUD was first approved by the Planning Commission in 2005 (SUB2005-00048). The PUD was to be developed in four phases. The subject lots were part of what was then identified as Phase 2. Phase 2 was to include 27 lots, three of which were proposed to be developed with duplexes resulting in 30 dwelling units. The median lot size of Phase 2 was to be 6,300 square feet which was approximately 800 square feet smaller than those in Phase 1. The subject lots of this inquiry are two of the lots identified as duplex lots. Phase 2 was ultimately split into two sub phases (Phase 2A and 2B).

The Notice of Decision for the original PUD approval had a number of conditions including a requirement for one plat note to identify how many dwelling units could be constructed on

Bicknell/Blommer
INQ2018 0012
October 17, 2018
Page 2 of 4

each lot and a plat note stating that no additional dwelling units were allowed on the lots within the subdivision.

The plat for Phase 1 was approved by the Planning Commission under SUB2006-00018 (Plat 2006-38). This plat contains PUD plat notes to satisfy the conditions described above (PUD notes 1 and 5). The approved setbacks and a drainage easement were modified through a replat of Phase 1, which required Planning Commission approval (SUB2007-00006, Plat 2007-20). During that same plat revision, two of the original Phase 1 lots (Lots 17 and 25) were also subdivided through the minor subdivision process (SUB2007-00012, and 2007-00011 respectively). CDD has been unable to find evidence in the staff report and the associated meeting minutes that this was reviewed by the Planning Commission, although the case description in CDD's records indicates these minor subdivisions had some association with the replat that was approved by the Planning Commission. Another modification to increase maximum lot coverage limits from 35% to 50% was approved by the Planning Commission later in 2007 (SUB2007-00029) – a new plat was not recorded.

Phase 2A (12 lots) was approved by the Planning Commission under SMP2012-0001 and SMF2013-0001 (plat 2013-16). The staff report for this approval identified that each lot in this sub-phase of Phase 2 would only feature single family dwellings. PUD plat notes 1 and 5 were added to the plat accordingly. When Phase 2B (15 lots) was reviewed by the Planning Commission (SMP2015-0004 and SMF2015-0006, Plat 2016-03), the number of dwelling units on each lot was not specifically addressed in the application nor in the staff report. PUD note 1 on the draft plat submitted with the application stated that only one dwelling would be situated on each of the 15 lots in the subdivision with PUD note 5 stating that no further dwellings were allowed. This limitation on the number of dwelling units per lot made it to the recorded plat. It has also been noted that PUD note 1 for Phase 2B was amended based on a condition by CDD staff during the 2015 final plat review to read as if there 28 lots in that subdivision phase when in fact there were only 15.

The PUD section of the Land Use Code (CBJ 49.15 Article IV) provides for amendments to an approved PUD (CBJ 49.15.660). This outlines under what circumstances the CDD Director can approve a minor modification with all other modifications requiring Planning Commission approval. The amendment process has been used a number of times as evidenced by previous Planning Commission review of amendments to the original approval. Although the original number of dwelling units approved for Phase 2 would not be exceeded by allowing further subdivision of Lots 5 and 11 of Phase 2B, it would be in conflict with the Planned Unit Development notes on the face of the Phase 2B plat. The Director has found that the additional lots would not meet the conditions of the original plan approval. In addition, the general review procedure for a PUD (CBJ 49.15.620) also states that an application proposing a change in the number or boundaries of lots is required to be reviewed as a major subdivision as well as reviewed according to the Conditional Use Permit process. Based on this requirement, the proposed subdivision of two of the lots into a total of four lots must be reviewed as a major

Bicknell/Blommer
INQ2018 0012
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Page 3 of 4

subdivision by the Planning Commission. The proposal must also be reviewed through the Conditional Use Permit process for an amendment to the existing PUD plan.

I have attached the relevant section of the Land Use Code at the end of this letter.

It is unclear how the determination that the two previous minor subdivisions were considered to be minor amendments of the PUD, as CDD has been unable to find any documentation regarding this decision.

As stated above, a revision of the approved plat by the Planning Commission will be required. This will also provide an opportunity to correct the plat notes and have a complete and clear platting history.

The proposed amendment will require a preliminary and final approval of the PUD amendment through the Conditional Use Permit process and a major subdivision preliminary and final plat review. The combined fees for the preliminary and final PUD approval will be \$350 (Class I Use for four or fewer residential structures). The major subdivision fees will be \$440 (\$110 per lot) for the preliminary plat review and \$280 (\$70 per lot) for the final plat review. It may be possible to present all four cases to the Planning Commission at one meeting to take action on these revisions.

A pre-application conference will also be required to review the proposal prior to submittal. Following the pre-application conference, you may submit the required permit applications which are:

- A Conditional Use Permit application including a narrative.
- A subdivision application including a draft amended Phase 2B plat and proposed construction plans for the four lots. The construction plans should show existing and proposed utility connections, driveways, proposed building locations, and drainage.

Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Felstead", with a stylized flourish at the end.

Tim Felstead, Planner
Community Development
Tel: (907)-586-0466
tim.felstead@juneau.org

Bicknell/Blommer
 INQ2018 0012
 October 17, 2018
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Land Use Code references

49.15.620 - Planned unit development review process.

- (a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

49.15.660 - Amendments to approved planned unit development plan.

- (a) *Request for amendment.* The developer of a planned unit development may request an amendment to an approved preliminary or final planned unit development plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
- (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall planned unit development, and the criteria set out in subsection 49.65.630(d), and would result in:
- (1) Insignificant change in the outward appearance of the development;
 - (2) Insignificant impacts on surrounding properties;
 - (3) Insignificant modification in the location or siting of buildings or common open space;
 - (4) No reduction in the number of parking spaces below that required;
 - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
- (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Montana Creek West 2B modification

Case Number: PAC2018 0076

Applicant: Roscoe Bicknell III

Property Owner: Roscoe Bicknell III

Property Address: Timberwolf Lane

Parcel Code Number: 4B2901160405 and 4B2901160411

Site Size: 7,218 Square Feet

Zoning: D3

Existing Land Use:

Conference Date: 11/21/2018 1:30pm

Report Issued: 11/30/2018

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
David Blommer	Applicant	dblommer@bicknellinc.com
Tim Felstead	Planning	Tim.felstead@juneau.org
Kyle Paw	Permit Tech	Kyle.paw@juneau.org
Autumn Sapp	General Engineering	Autumn.Sapp@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Zoned D3 but part of an existing Planned Unit Development. Applicant has already received a response to their inquiry regarding the process to subdivide the two subject lots. See attached letter in response to INQ18-12. A review of both the PUD and the Subdivision will be required by the Planning Commission.

The plat notes on the existing plat should be updated so the plat submitted should just be a modification of the Montana Creek West Phase 2B plat. The number of dwellings allowed in the phase should be corrected to reflect all the lots created in the modified Phase 2B.

2. **Setbacks** – Standard D3 setbacks and lot size do not apply. Per existing plat for Phase 2B of the Montana Creek West subdivision in which the subject lots are located setbacks are:

Front – 20ft

Rear - 15ft

Side – 5 ft.

Street side – 13 ft.

The could potentially be amended through the review of the PUD (see inquiry letter attached)

3. **Height** – 35 feet for permissible uses and 25 feet for accessory uses.
4. **Access** – Proposed driveway locations should be shown on a proposed site plan/as built. Corner lots could potentially have one driveway on each right-of-way with approval from CBJ General Engineering.
5. **Parking** – Parking is 2 spaces per single family dwelling. Garage spaces can count towards this but only one of the spaces can be 'stacked' (i.e. one in the garage and one in front of the garage). Back out parking into the right of way would need to be approved by the Director.
6. **Lot Coverage** – Maximum lot coverage is 50% per SUB2007-00029.
7. **Vegetative Coverage** – Minimum vegetative cover per lot is 20%
8. **Lighting** – NA
9. **Noise** – NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – NA
14. **Plat or Covenant Restrictions** – Subject to approved PUD requirements. Subdivision does not affect this unless changes are required or approved by the Planning Commission.

Pre-Application Conference Final Report

Building Division:

15. **Building** – NA

16. **Outstanding Permits** - NA

General Engineering/Public Works:

17. **Engineering** – NA

18. **Drainage** – Submit a drainage plan indicating how drainage from the proposed subdivision will join an established drainage channel or channels. Easements must be provided on the plat for all established drainage ways or any proposed drainage ways that cross any current or future abutting property lines.

19. **Utilities** – (water, power, sewer, etc.)

- a. A minimum of 1" water service and 4" sewer service will need to be installed to the newly created lots within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan with for the new utilities. The plan needs to include pipe locations, sizing, and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities.

The following permits will need to be obtained to provide utilities to the newly created lot:

- i. **CBJ right-of-way (ROW) permit**- Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will cover the tapping of the water and sewer mains and road restoration within the CBJ right-of-way. Inspection fees, refundable bond amount conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application.

Fire Marshal:

20. **Fire Items/Access** –

Other Applicable Agency Review:

21. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. (Add application forms required)
2. (Add notes as necessary)

Additional submittal requirements:

Pre-Application Conference Final Report

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. **PUD amendment** - combined fees for the preliminary and final PUD approval will be \$350 (Class I Use for four or fewer residential structures)
2. **Major subdivision** - \$440 (\$110 per lot) for the preliminary plat review and \$280 (\$70 per lot) for the final plat review.
3. **Public Notice Sign** - A sign will be needed for each lot being subdivided. Fee will be \$150 (\$100 refunded when sign is returned).
4. **ROW Permit** (work within the ROW)
 - a. \$10 permit fee
 - b. Inspection fees - \$60 per inspection trip or hour, will be determined at time of construction plan review
 - c. Refundable bond – will be determined at time of construction plan review. Can be paid in the form of cash, check, surety, or conveyance.
 - d. Bond fee – dependent on type of bond payment.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

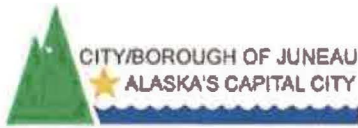
Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Pre-Application Conference Final Report

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd



PRELIMINARY PLAT CHECK LIST

Name of Proposed Subdivision: LOT 5A, 5B, 11A, & 11B, MONTANA CREEK WEST, PHASE II B

The following items must be included with the initial submittal of a Preliminary Plat:

- ☒ Application, filled out completely
- ☒ Application fee (see fee schedule)
- ☒ Project Narrative
- ☒ Five (5) – 22" by 34" Copies
- ☒ Pre-application Conference Report
- ☒ Lot Closure Report
- ☐ Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.
- ☒ Preliminary Plat Checklist: I have reviewed the checklist and all submittals for completeness and accuracy.

Digitally signed by Jason Langen, PLS
Date: 2019.02.25 16:48:44-09'00'

February 25, 2019

Signature

Date

Jason Langen, PLS

Print Name

GENERAL REQUIREMENTS

- ☒ The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska
- ☒ The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternate sheet sizes
- ☒ 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
- ☒ 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
- ☒ 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

GRAPHIC REQUIREMENTS - A preliminary plat shall contain the following information:

Title block - An enclosed title block in the lower right-hand corner containing the following information:

- ☒ The proposed name of the subdivision
- ☒ 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
- ☒ "City and Borough of Juneau, Alaska"
- ☒ "State Recorder's Office at Juneau"
- ☒ The date the preliminary plat was prepared and revised
- ☒ The horizontal scale
- ☒ The name and address of the owner of record
- ☒ The name, address, and telephone number of the surveyor preparing the preliminary plat



PRELIMINARY PLAT CHECK LIST

Lot, block, and street information:

- ☒ The area of each lot
- ☒ The dimensions in feet and hundredths of a foot
- ☒ An identifying number and letter for lots and blocks
- ☒ Lots numbered consecutively, commencing with the number "1," with no omissions or duplications
- ☐ If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number
- ☐ 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
- ☒ Abutting properties shall be shown with dashed lines, numbers, and/or letters
- ☐ 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
 - ☒ The minimum data shown for each curve shall be as follows:
 - ☒ Length
 - ☒ Central angle
 - ☒ Radius
 - ☒ Bearing and distance of long chord
 - ☒ Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots

Boundary lines:

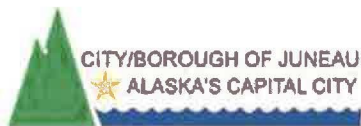
- ☒ All boundary lines of the subdivision with bearings and distances described
- ☒ All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification
- ☒ The exterior 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
- ☐ 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

Monumentation:

- ☒ The monuments used to establish the basis of bearing
- ☒ Each monument found or set shall be identified on the plat by a symbol
- ☒ 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
- ☒ A legend showing the symbols for all the types of monuments
- ☒ The identification, description location, elevation, and datum of the benchmark used to establish vertical control

Site access, circulation, and utilities:

- ☒ The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary
- ☐ Proposed rights-of-way, including their widths and proposed names
- ☐ The grades of existing and proposed streets within these rights-of-way
- ☒ The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary
- ☒ The width, ownership, and use of all proposed easements



PRELIMINARY PLAT CHECK LIST

- ☒ All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground
- ☐ 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
- ☐ Proposed trails or pathways and widths of their rights-of-way
- ☐ 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
- ☒ The location of any existing or proposed driveways/curb cuts that access or are proposed to access any existing or proposed street

Topographic information:

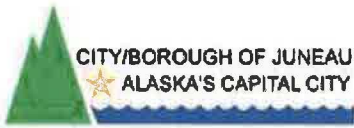
- ☐ For slopes of less than five percent, show one foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions
- ☐ For slopes between five percent and ten percent, show two foot contour lines
- ☐ For slopes greater than ten percent, show five foot contour lines
- ☐ Every fifth elevation contour shall be distinctive and clearly labeled
- ☐ Dashed lines shall represent existing contours
- ☐ 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
- ☐ If irregular slopes or special features are present, additional contour information may be required by the director of engineering and public works for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:
 - ☐ Pad elevations and drainage patterns for each lot
 - ☐ Tops and toes of all manufactured slopes, including daylight lines
 - ☐ Existing and proposed retaining wall locations and heights
- ☐ For subdivisions located in hillside areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70, Article II

Sewer and water:

- ☒ Existing sewer and water mains within the tract with pipe sizes and grades
- ☒ 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

Multisheet plats:

- ☐ When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:
 - ☐ North arrow
 - ☐ Legend
 - ☐ Surveyor's seal and signature
 - ☐ Title block
 - ☐ Sheet _____ of _____
 - ☐ Scale
 - ☐ All plat notes
 - ☐ Vicinity map



PRELIMINARY PLAT CHECK LIST

ADDITIONAL MAPPING OR REPORTS- If required, the following additional mapping or reports shall be submitted:

Hazard and Special Habitat Areas:

- ☐ Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat
- ☐ The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations

Soils report:

- ☐ A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:
 - ☐ Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal
 - ☐ The location and size of drain fields for each lot
 - ☐ The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal
 - ☐ If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed
 - ☐ 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

Drainage report:

- ☐ A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:
 - ☐ A 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
 - ☐ 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
 - ☐ An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem
 - ☐ 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

Water:

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



PRELIMINARY PLAT CHECK LIST

- ☐ A copy of the State application for a permit to appropriate water in the quantity required to meet the subdivisions demands
- ☐ This does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.
- ☐ 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.

Erosion control:

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

Traffic study:

- ☐ A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.

Shadow plats:

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

Parcel Map Check Report

Client:

Bicknell, Inc.
Amendment to 2016-3
Montat Creek West, Phase 2B
Date: 9/26/2018 2:25:26 PM

Prepared by:

Jason Langen, PLS
PDC Engineers
6205 Glacier Hwy. Juneau, AK 99801
PDC Proj. No. 16206JN

Parcel Name: Lot 11A

Description:

Counterclockwise order: False

Cross-chord enabled: False

North: 9,128.1587'

East: 7,121.1059'

Segment# 1: Line

Course: N12°46'58"W

North: 9,164.1540'

Length: 36.91'

East: 7,112.9394'

Segment# 2: Line

Course: N89°56'11"E

North: 9,164.2682'

Length: 102.91'

East: 7,215.8493'

Segment# 3: Line

Course: S0°3'49"E

North: 9,128.2682'

Length: 36'

East: 7,215.8893'

Segment# 4: Line

Course: S89°56'11"W

North: 9,128.1630'

Length: 94.78'

East: 7,121.1093'

Perimeter: 270.60'

Error Closure: 0.0055

Error North : 0.00427

Area: 3,558.51Sq.Ft.

0.08 ac.

Course: N38° 46' 08"E

East: 0.00343

Precision 1: 49,200.00

Parcel Name: Lot 11B

Description:

Counterclockwise order: False

Cross-chord enabled: False

North: 9,092.3630'

East: 7,129.2271'

Segment# 1: Line

Course: N12°46'58"W

North: 9,128.1632'

Length: 36.71'

East: 7,121.1048'

Parcel Map Check Report

Client:

Bicknell, Inc.
 Amendment to 2016-3
 Montat Creek West, Phase 2B
 Date: 9/26/2018 2:25:26 PM

Prepared by:

Jason Langen, PLS
 PDC Engineers
 6205 Glacier Hwy. Juneau, AK 99801
 PDC Proj. No. 16206JN

Segment# 2: Line

Course: N89°56'11"E
 North: 9,128.2684'

Length: 94.78'
 East: 7,215.8848'

Segment# 3: Line

Course: S0°3'49"E
 North: 9,074.2685'

Length: 54'
 East: 7,215.9447'

Segment# 4: Line

Course: S89°56'11"W
 North: 9,074.2215'

Length: 42.28'
 East: 7,173.6648'

Segment# 5: Curve

Length: 16.85'
 Delta: 7°25'38"
 Chord: 16.84'
 Course In: S0° 03' 49"E
 RP North: 8,944.2216'
 End North: 9,073.1122'

Radius: 130.00'
 Tangent: 8.44'
 Course: S86° 13' 22"W
 Course Out: N7° 29' 27"W
 East: 7,173.8091'
 East: 7,156.8613'

Segment# 6: Curve

Length: 36.96'
 Delta: 84°42'29"
 Chord: 33.69'
 Course In: N7° 29' 27"W
 RP North: 9,097.8988'
 End North: 9,092.3674'

Radius: 25.00'
 Tangent: 22.79'
 Course: N55° 08' 12"W
 Course Out: S77° 13' 02"W
 East: 7,153.6021'
 East: 7,129.2217'

Perimeter: 281.58'

Error Closure: 0.0070
 Error North : 0.00438

Area: 4,747.40Sq.Ft.

0.11 ac.

Course: N50° 59' 28"W
 East: -0.00541

Precision 1: 40,225.71

Parcel Name: Lot 5A

Description:

Attachment A - Application Including First Submittal of Preliminary Plat

Parcel Map Check Report

Client:

Bicknell, Inc.

Amendment to 2016-3

Montat Creek West, Phase 2B

Date: 9/26/2018 2:25:26 PM

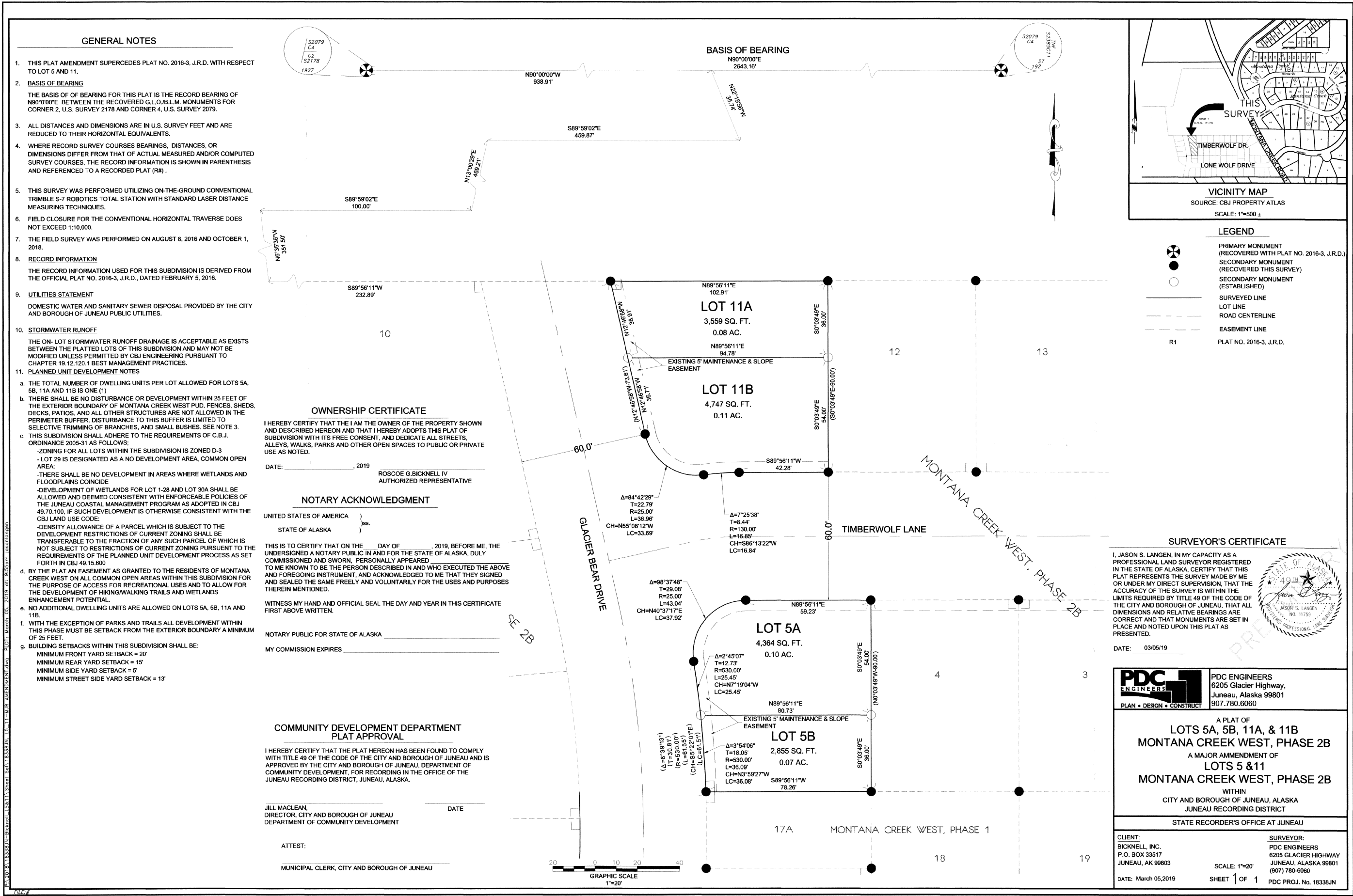
Prepared by:

Jason Langen, PLS

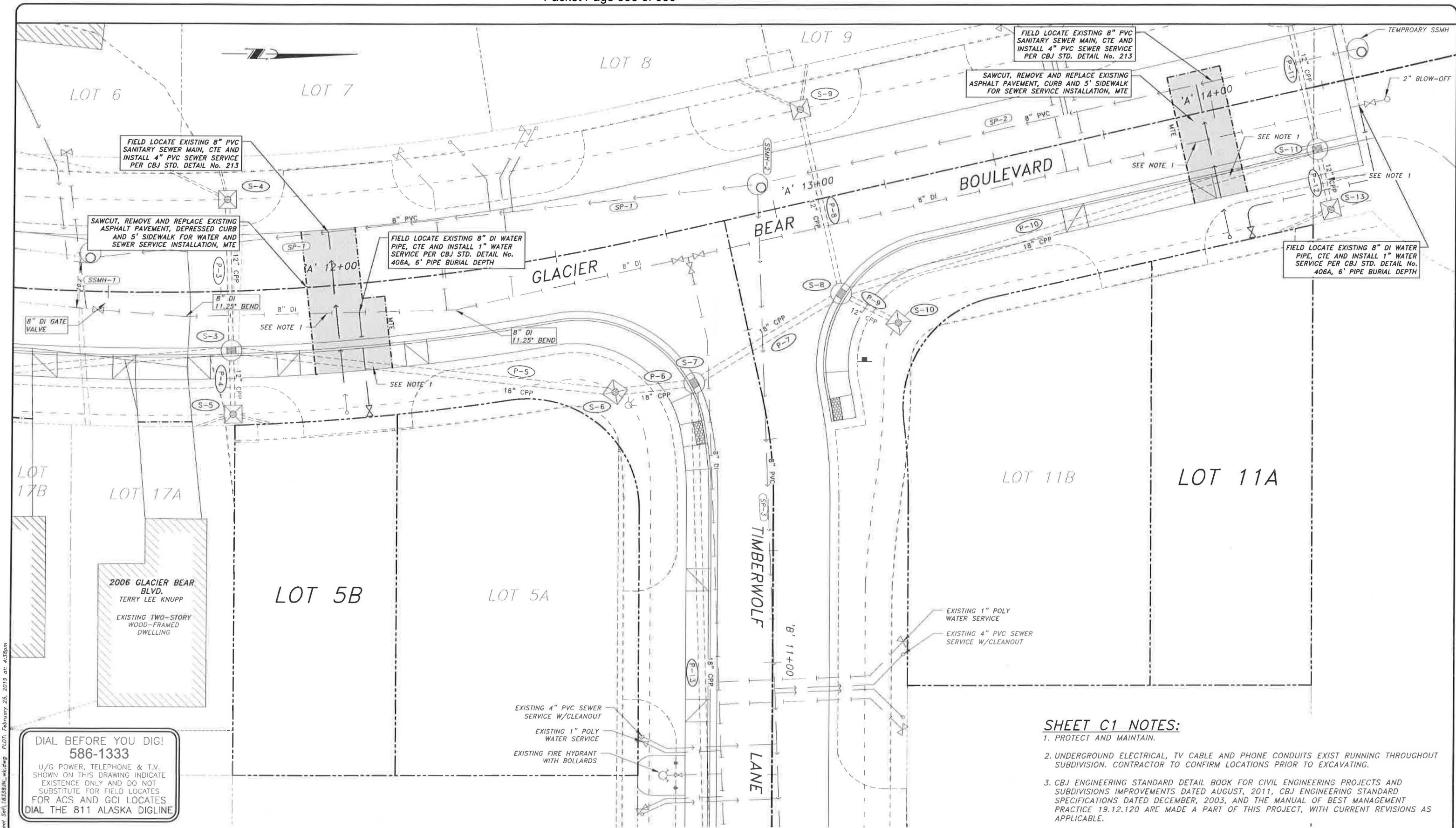
PDC Engineers

6205 Glacier Hwy. Juneau, AK 99801

PDC Proj. No. 16206JN



Attachment A - Application Including First Submittal of Preliminary Plat



DESIGN	JMP				
DRAWN	ECR				
CHECK	JMP				
APPROVED					
FILE: L-XXX		NO.	DATE	REVISION	BY
					APPROV.

LOT 5B AND LOT 11A
UTILITY PLAN



PRELIMINARY



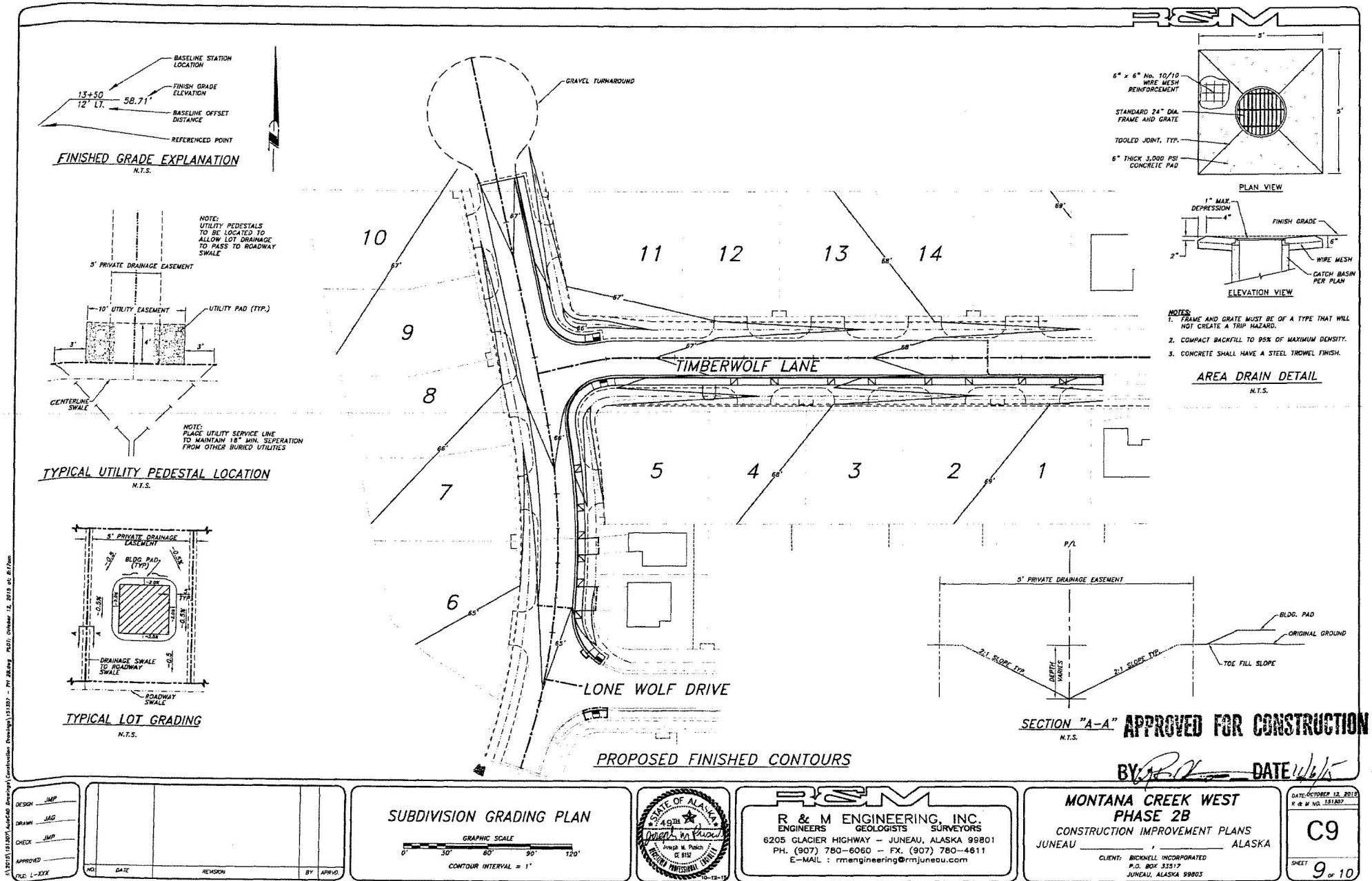
**MONTANA CREEK WEST
PHASE 2B**

JUNEAU _____, _____ ALASKA

DATE: FEB 25, 2019
DC NO 18338JN

C1

SHEET 1 OF 1



GENERAL NOTES

1. BASIS OF BEARING
THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N90°00'00"E BETWEEN THE RECOVERED G.L.O./B.L.M. MONUMENTS FOR CORNER 2, U.S. SURVEY 2178 AND CORNER 4, U.S. SURVEY 2079.
2. ALL DISTANCES AND DIMENSIONS ARE IN U.S. SURVEY FEET AND ARE REDUCED TO THEIR HORIZONTAL EQUIVALENTS.
3. WHERE RECORD SURVEY COURSES BEARINGS, DISTANCES, OR DIMENSIONS DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES, THE RECORD INFORMATION IS SHOWN IN PARENTHESES AND REFERENCED TO A RECORDED PLAT (R#).
4. THIS SURVEY WAS PERFORMED UTILIZING ON-THE-GROUND CONVENTIONAL TRIMBLE S-7 ROBOTICS TOTAL STATION WITH STANDARD LASER DISTANCE MEASURING TECHNIQUES.
5. FIELD CLOSURE FOR THE CONVENTIONAL HORIZONTAL TRAVERSE DOES NOT EXCEED 1:10,000.
6. THE FIELD SURVEY WAS PERFORMED ON AUGUST 8, 2016 AND OCTOBER 1, 2018.
7. **RECORD INFORMATION**
THE RECORD INFORMATION USED FOR THIS SUBDIVISION IS DERIVED FROM THE OFFICIAL PLAT NO. 2016-3, J.R.D., DATED FEBRUARY 5, 2016.
8. **UTILITIES STATEMENT**
DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
9. **STORMWATER RUNOFF**
THE ON-LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
10. **DRAINAGE EASEMENT**
OTHER THAN AS SHOWN, THERE IS AN IMPLIED PRIVATE DRAINAGE EASEMENT ALONG ALL SIDE PROPERTY LINES WITHIN THE SUBDIVISION BEING 5 FT IN WIDTH CENTERED ON EACH ADJOINING PROPERTY LINE.

PLANNED UNIT DEVELOPMENT NOTES

1. THE TOTAL NUMBER OF DWELLING UNITS PER LOT ALLOWED FOR LOTS 5A, 5B, 11A AND 11B IS ONE (1). THE DWELLING RESTRICTION ON LOTS 5, 6, AND 11, IN PHASE 2B, MONTANA CREEK WEST (PLAT NO 2016-03, J.R.D., DATED 2/5/2016) WAS CONTRARY TO THE ORIGINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR DUPLEXES ON THESE LOTS.
2. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF MONTANA CREEK WEST PUD, FENCES, SHEDS, DECKS, PATIOS, AND ALL OTHER STRUCTURES ARE NOT ALLOWED IN THE PERIMETER BUFFER, DISTURBANCE TO THIS BUFFER IS LIMITED TO SELECTIVE TRIMMING OF BRANCHES, AND SMALL BUSHES. SEE NOTE 3.
3. THIS SUBDIVISION SHALL ADHERE TO THE REQUIREMENTS OF C.B.J. ORDINANCE 2005-31 AS FOLLOWS;
 - a. ZONING FOR ALL LOTS WITHIN THE SUBDIVISION IS ZONED D-3
 - b. LOT 29, MONTANA CREEK WEST, PHASE 1 (PLAT NO. 2007-20, J.R.D., DATED 04/04/2007) IS DESIGNATED AS A NO DEVELOPMENT AREA, COMMON OPEN AREA;
 - c. THERE SHALL BE NO DEVELOPMENT IN AREAS WHERE WETLANDS AND FLOOD PLAINS COINCIDE
 - d. DEVELOPMENT OF WETLANDS FOR LOTS 5A, 5B, 11A, & 11B SHALL BE ALLOWED AND DEEMED CONSISTENT WITH ENFORCEABLE POLICIES OF THE JUNEAU COASTAL MANAGEMENT PROGRAM AS ADOPTED IN CBJ 49.70.100. IF SUCH DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE CBJ LAND USE CODE;
 - e. DENSITY ALLOWANCE OF A PARCEL WHICH IS SUBJECT TO THE DEVELOPMENT RESTRICTIONS OF CURRENT ZONING SHALL BE TRANSFERABLE TO THE FRACTION OF ANY SUCH PARCEL OF WHICH IS NOT SUBJECT TO RESTRICTIONS OF CURRENT ZONING PURSUANT TO THE REQUIREMENTS OF THE PLANNED UNIT DEVELOPMENT PROCESS AS SET FORTH IN CBJ 49.15.600.
4. PER THE MONTANA CREEK WEST, PHASE 2B PLAT (PLAT NO. 2016-03, J.R.D., DATED 2/5/2016) AN EASEMENT IS GRANTED TO THE RESIDENTS OF MONTANA CREEK WEST ON ALL COMMON OPEN AREAS WITHIN THIS SUBDIVISION FOR THE PURPOSE OF ACCESS FOR RECREATIONAL USES AND TO ALLOW FOR THE DEVELOPMENT OF HIKING/WALKING TRAILS AND WETLANDS ENHANCEMENT POTENTIAL, THIS EASEMENT APPLIES TO THE LOTS WITHIN THIS SUBDIVISION.
5. NO ADDITIONAL DWELLING UNITS ARE ALLOWED ON LOTS 5A, 5B, 11A, AND 11B. ACCESSORY APARTMENTS MAY BE ALLOWED IN ACCORDANCE WITH CBJ 49.25.510(K), "ACCESSORY APARTMENTS; LOTS WITHIN THE PLANNED UNIT DEVELOPMENT SMALLER THAN THE MINIMUM LOT SIZE FOR THE CURRENT ZONING ARE CONSIDERED UNDERSIZED LOTS FOR THE PURPOSES OF ACCESSORY APARTMENT APPROVAL".
6. DEVELOPMENT WITHIN MONTANA CREEK WEST, PHASE 2B, WITH THE EXCEPTION OF PARKS AND TRAILS, MUST BE SETBACK FROM THE EXTERIOR BOUNDARY A MINIMUM OF 25 FEET.
7. BUILDING SETBACKS WITHIN THIS SUBDIVISION SHALL BE:

MINIMUM FRONT YARD SETBACK	= 20'
MINIMUM REAR YARD SETBACK	= 15'
MINIMUM SIDE YARD SETBACK	= 5'
MINIMUM STREET SIDE YARD SETBACK	= 13'
8. THE MAXIMUM LOT COVERAGE IS 50%, PER SUB2007-00029

OWNERSHIP CERTIFICATE

BICKNELL, INC. HEREBY CERTIFIES THAT BICKNELL, INC. IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____, 2019

ROS COE G. BICKNELL, III
ROS COE G. BICKNELL, IV

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA)ss.

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR STATE OF ALASKA _____

MY COMMISSION EXPIRES _____

PLANNING COMMISSION PLAT APPROVAL

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.

DATED _____, 20____

CHAIRMAN OF THE PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU

ATTEST:

MUNICIPAL CLERK
CITY AND BOROUGH OF JUNEAU

BASIS OF BEARING

N90°00'00"E
2643.16'

N90°00'00"W
938.91'

S89°59'02"E
459.87'

M13°00'29"E
469.21'

S89°59'02"E
100.00'

N6°35'36"W
351.50'

S89°56'11"W
232.89'

LOT 30A1
MONTANA CREEK WEST

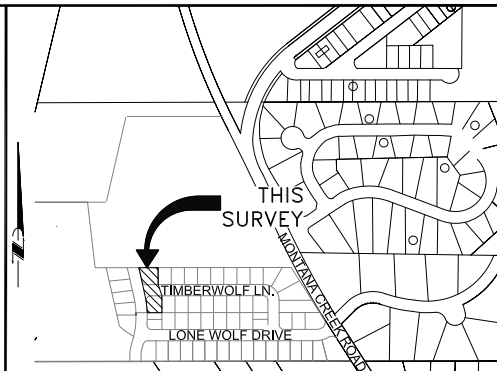
LOT 11A
3,559 SQ. FT.
0.08 AC.

LOT 11B
4,747 SQ. FT.
0.11 AC.

LOT 5A
4,364 SQ. FT.
0.10 AC.

LOT 5B
2,855 SQ. FT.
0.07 AC.

20 0 10 20 40
GRAPHIC SCALE
1"=20'



VICINITY MAP

SOURCE: CBJ PROPERTY ATLAS

SCALE: 1"=500 ±

LEGEND

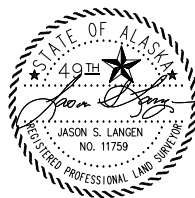


- PRIMARY MONUMENT
(RECOVERED WITH PLAT NO. 2016-3, J.R.D.)
- SECONDARY MONUMENT
(RECOVERED THIS SURVEY)
- SECONDARY MONUMENT
(ESTABLISHED)
- SURVEYED LINE
- LOT LINE
- ROAD CENTERLINE
- EASEMENT LINE
- R1 PLAT NO. 2016-3, J.R.D.

SURVEYOR'S CERTIFICATE

I, JASON S. LANGEN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE: 05/17/19



PDC ENGINEERS
6205 Glacier Highway,
Juneau, Alaska 99801
907.780.6060

A PLAT OF
LOTS 5A, 5B, 11A, & 11B
MONTANA CREEK WEST, PHASE 2B
A SUBDIVISION OF
LOTS 5 & 11
MONTANA CREEK WEST, PHASE 2B

WITHIN
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

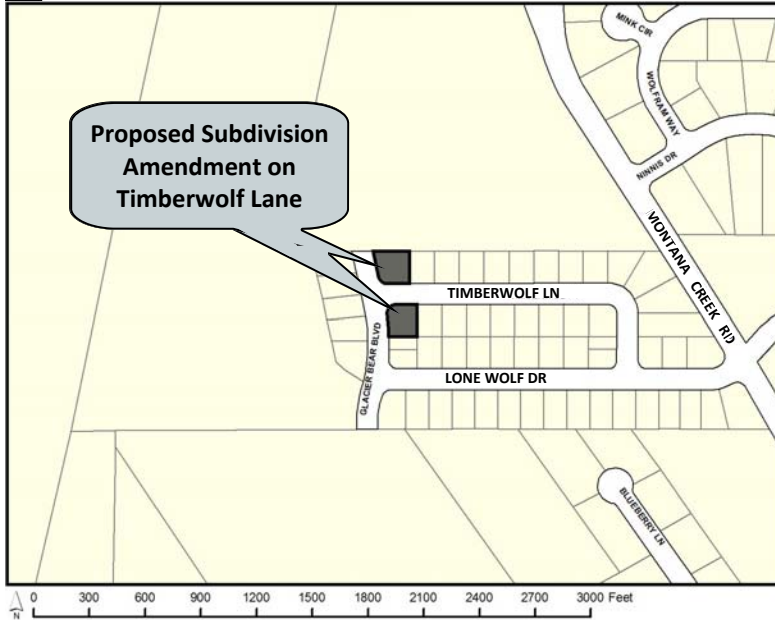
OWNERS:
ROS COE V. BICKNELL, III
ROS COE V. BICKNELL, IV
P.O. BOX 33517
JUNEAU, AK 99803
DATE: May 17, 2019

SCALE: 1"=20'
SHEET 1 OF 1

SURVEYOR:
PDC ENGINEERS
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
(907) 780-6060
PDC PROJ. No. 18338JN

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **major amendment to Montana Creek West Phase 2B to allow subdivision of two (2) lots into four (4) lots** located on **Timberwolf Lane** in a **D3 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, May 20, 2019** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

Comments received during this period will be sent to the Planner, **Tim Felstead**, to be included in the staff report.

May 7 through 12 noon, May 24

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 28, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: PDF2019 0001; SMP2019 0002;
SMF2019 0001
Parcel No.: 4B2901160411; 4B2901160405
CBJ Parcel Viewer: <http://epv.juneau.org>

To see the presentation materials associated with this case, please see the presentation for PDF2019 0001, as these cases are combined



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: May 29, 2019
File No.: SMP2019 0002

Roscoe Bicknell IV
P.O. Box 33517
Juneau, AK 99803-3517

Proposal: Preliminary plat approval for major subdivision within Montana Creek West Phase 2B of two (2) lots (Lots 5 and 11) into four (4) lots

Property Address: No address

Legal Description: Lots 5 and 11, Montana Creek West 2B

Parcel Code No.: 4B2901160405 and 4B2901160411 respectively

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 20, 2019, and approved the preliminary plat to be conducted as described in the project description and project drawings submitted with the application. Staff's recommended condition was removed.

Attachment: May 20, 2019 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding SMP2019 0002.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

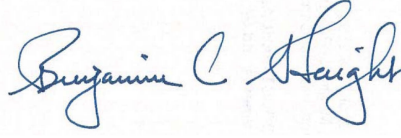
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, May 28, 2019.

Roscoe Bicknell IV
 File No.: SMP2019 0002
 May 29, 2019
 Page 2 of 2

Expiration Date: The permit will expire five (5) years after the effective date, or May 28, 2024, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 
 Tim Felstead, Planner
 Community Development Department


 Benjamin Haight, Chair
 Planning Commission


 Filed With Municipal Clerk

5/31/2019
 Date

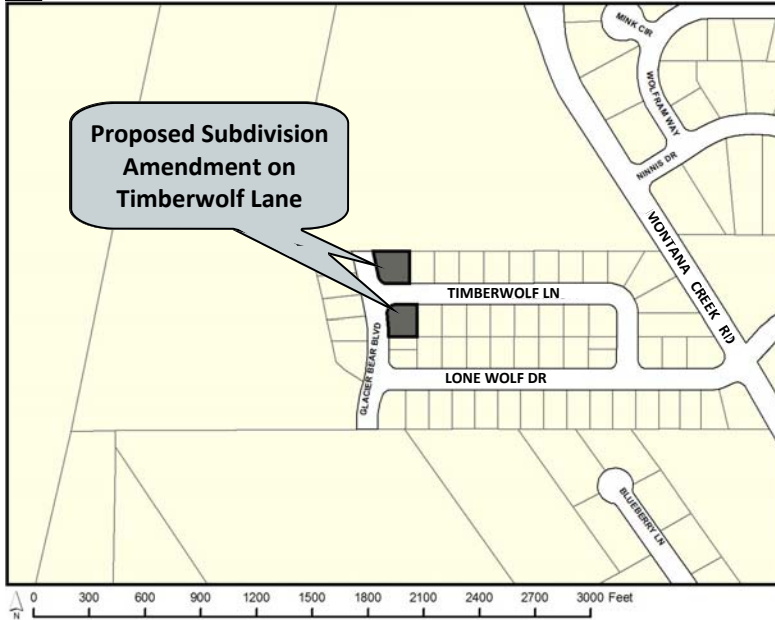
cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

To see the staff report associated with this case, please see the staff report for SMP2019 0002, as the cases are combined

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **major amendment to Montana Creek West Phase 2B to allow subdivision of two (2) lots into four (4) lots** located on **Timberwolf Lane** in a **D3 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, May 20, 2019** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

Comments received during this period will be sent to the Planner, **Tim Felstead**, to be included in the staff report.

May 7 through 12 noon, May 24

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 28, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: PDF2019 0001; SMP2019 0002;
SMF2019 0001
Parcel No.: 4B2901160411; 4B2901160405
CBJ Parcel Viewer: <http://epv.juneau.org>

To see the presentation materials associated with this case, please see the presentation for PDF2019 0001, as these cases are combined



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: May 29, 2019
File No.: SMF2019 0001

Roscoe Bicknell IV
P.O. Box 33517
Juneau, AK 99803-3517

Proposal: Final plat approval for major subdivision within Montana Creek West Phase 2B of two (2) lots (Lots 5 and 11) into four (4) lots

Property Address: No address

Legal Description: Lots 5 and 11, Montana Creek West 2B

Parcel Code No.: 4B2901160405 and 4B2901160411 respectively

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 20, 2019 and approved the final plat to be conducted as described in the project description and project drawings submitted with the application.

Attachment: May 20, 2019 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding SMF2019 0001.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

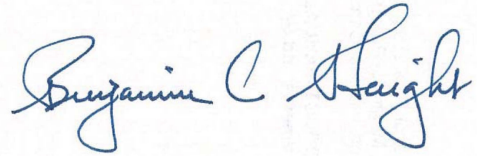
Effective Date: The permit is effective upon approval by the Commission, on May 28, 2019.

Roscoe Bicknell IV
File No.: SMF2019 0001
May 29, 2019
Page 2 of 2

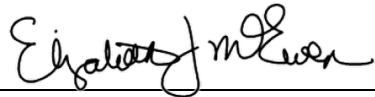
Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

5/31/2019

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 16, 2019

TO: Planning Commission *Laurel Christian*

FROM: Laurel Christian, Planner
Community Development Department

CASE NO.: USE2019 0013

PROPOSAL: A Conditional Use Permit for a 5,000 square foot indoor recreation facility

GENERAL INFORMATION

Applicant: Juneau Condos LLC

Property Owner: Juneau Condos LLC

Legal Description: USS 1053 TR A2

Parcel Code Number: 5B2101030001

Site Size: 892,544 square feet

Comprehensive Plan Future Land Use Designation: Medium Density Residential (MDR)

Zoning: D15 Multifamily

Utilities: Public Water & Sewer

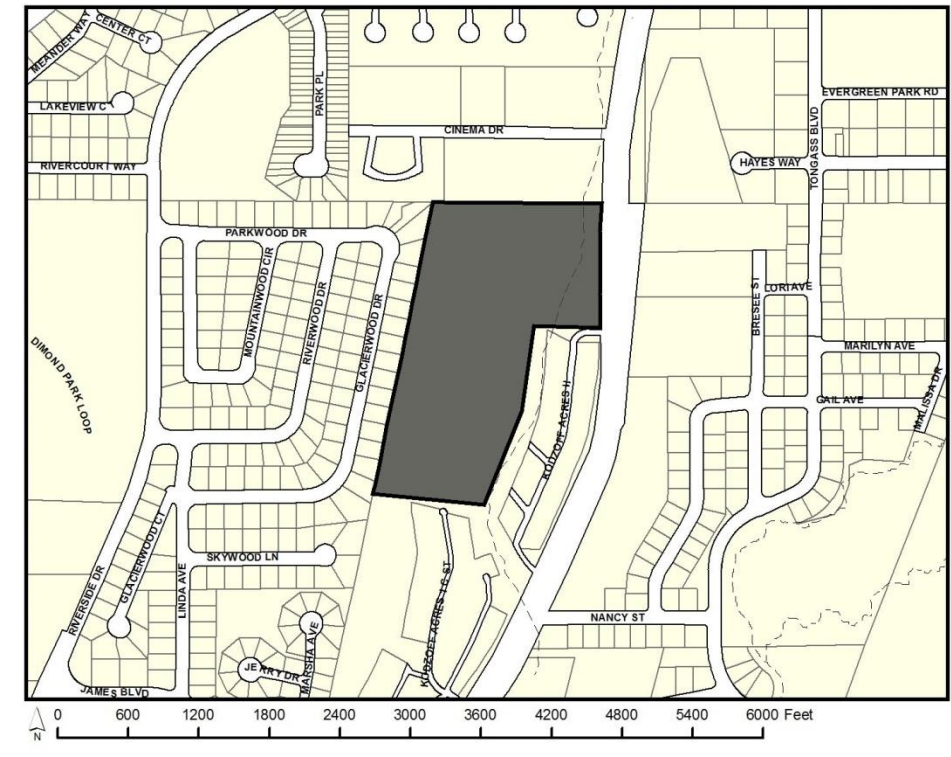
Access: Mendenhall Loop Road

Existing Land Use: Vacant

Surrounding Land Use: North – Vacant
South – Kodzoff Acres
East – Kodzoff Acres and Mendenhall Loop Road
West – D5 Single Family & Duplex Zoning

Planning Commission
Case No.: USE 2019 0013
May 16, 2019
Page 2 of 8

VICINITY MAP



ATTACHMENTS

Attachment A – Application and Project Narrative
Attachment B – Site Plan, including Parking and Vegetative Cover
Attachment C – Conceptual Building Design and Floor Plan
Attachment D – Neighboring Uses Map and Zoning Map
Attachment E – Agency and Public Comments

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for an approximately 5,000 square foot indoor recreation facility. The intent is to use the facility as a space for the Juneau Wrestling Club to practice, host events, or rent out the space to other groups who use mats and other indoor sports facilities, such as gymnastics clubs. The facility will be located on a 20+ acre parcel that has frontage on Mendenhall Loop Road.

Planning Commission
Case No.: USE 2019 0013
May 16, 2019
Page 3 of 8

ANALYSIS

Project Site and Design – The subject parcel is 20.49 acres and exceeds the minimum lot size for the D15 zoning district. The proposed recreation facility will be sited close to Mendenhall Loop Road and meet the required setbacks for the zoning district. The design of the facility is conceptual, but, at this time, a 50 by 100 foot single story building with a mezzanine is proposed (Attachment C).

Zoning – The subject parcel is in the D15 zoning district. Per CBJ 49.25.300 Table of Permissible Uses, recreation indoor activity conducted entirely within a building or substantial structure (USE 6.120) is allowed within the D15 zoning district with a Conditional Use Permit issued by the Planning Commission.

Traffic – According to the Institute of Transportation Engineers Trip Generation Manual, an athletic club facility is expected to generate 5.84 average daily trips per 1,000 square feet of the structure during the P.M. peak hour of traffic. Based on this, the proposed development is anticipated to generate 29.2 average daily trips. Per CBJ 49.40.300(a)(2), a traffic impact analysis is not required for developments that are projected to generate 250 or fewer average daily trips; therefore, **no traffic impact analysis is required for this development.**

Parking and Circulation – CBJ 49.40.200(3) *Uses Not Specified* states that when a use is not listed, the requirements for off-street parking shall be based on the requirements for the most comparable uses. CBJ 49.40.210 does not list a parking requirement that is specific for recreational facilities. Similar uses permitted, such as the Dimond Park Field House, have used the parking requirement for *churches, auditoriums, and similar enclosed places of assembly*, which require one parking space per four seats; in this case, it would be one space per four persons of capacity, as determined by the CBJ Building Code Official. According to the CBJ Building Code Official, based on the conceptual plans in Attachment C, the proposed building would have a capacity of 80 people. Therefore, the required parking would be 20 spaces. The applicant has submitted a parking plan showing 45 parking spaces (Attachment B). As stated above, the proposed building is a conceptual design. Upon submittal of final plans with the building permit, staff will evaluate the parking to ensure that the required parking is accommodated on-site.

According to CBJ 49.40.210(b)(3), one accessible parking space is required for parking lots of 1-25 spaces. This space must be van accessible. Accessible parking spaces are not shown on the parking plan. A recommended condition of approval is that the applicant revises the parking plan to show the required accessible parking space; this will be reviewed during the building permit process.

Per CBJ 49.40.210(c), one off-street loading area measuring 30 feet by 12 feet is required for commercial buildings with a gross floor area above 5,000 square feet. A recommended

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condition of approval is that the parking plan be amended to show the one (1) required off-street loading area. This will be reviewed during the building permit process.

Additionally, staff recommends a condition of approval that parking spaces shall be striped or curb stops shall be placed and spaces shall be signed with required accessible signage prior to the issuance of a Certificate of Occupancy.

Lighting- CBJ 49.40.230 (d) requires that parking areas be “suitably lighted” and “shall be full cutoff styles that direct light only onto the subject parcel”. This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian walkways, and immediately adjacent or affixed to the exterior of the building. The applicant does not show lighting on the site plan. A recommended condition of approval is that the applicant submits a lighting plan for review by the department during the building permit process. The lighting shall be designed, located, and installed to minimize off-site glare.

Vegetative Cover – The applicant has submitted a site plan showing vegetative areas (Attachment B). The minimum vegetative cover requirement for the D15 zoning district is 30%. The applicant has demonstrated on the site plan that the majority of the lot is maintained with live vegetative cover.

Noise – Noise is not expected to be out of character for the D15 multi-family zoning district.

Public Health or Safety – There is no evidence that the proposed development will have a negative effect on public health or safety.

Habitat – Duck Creek runs north to south on the subject parcel near the proposed structure. Duck Creek is an anadromous waterbody and also a designated impaired waterbody by the Alaska Department of Environmental Conservation. On the site plan, the applicant has demonstrated that the proposed structure will not be located within the 50 foot no development buffer from Duck Creek (Attachment A).

The Alaska Department of Environmental Conservation and the Alaska Department of Fish and Game were invited to comment; no comments have been received at this time.

Flood Hazard – Portions of the subject parcel are within the AE flood hazard area according to the CBJ Adopted Flood Insurance Rate Maps (FIRM). The proposed structure will be built to meet the requirements set forth in CBJ 49.70.400. This will be reviewed during the building permit process.

Property Value or Neighborhood Harmony – There is no evidence that the proposed development will negatively harm property values or be out of character with the existing D15 multifamily zoned neighborhood, which includes churches, a mobile home park, cinema, a recreation facility, apartment buildings, existing condominiums, and single-family residences.

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Conformity with Adopted Plans –

2013 Comprehensive Plan – The subject parcel has a future land use designation of Medium Density Residential (MDR). The intent of MDR is explained as:

Medium Density Residential (MDR). These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The proposed development is at a scale appropriate for the existing neighborhood. As stated above, nearby uses include churches, a mobile home park, a cinema, a recreation facility, apartment buildings, existing condominiums, single-family residences, and a proposed condominium development (Attachment D).

Chapter One of the Comprehensive Plan establishes a vision and guiding principles; the proposed development is consistent with the following:

Quality education from Pre-school to University levels. Promote quality educational programs and experiences in the schools and lifelong learning for our residents as well as a healthy lifestyle with adequate recreational facilities, resources and programs. Support a vital arts community, celebrating our diverse cultural heritage and unique historic resources.

Additionally, the proposed development is consistent with the following policies from the Comprehensive Plan:

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

The proposed development is found to be consistent with the above policies as they have proposed an appropriate size building for the neighborhood. As stated above, the existing area contains a mixture of uses ranging from commercial to residential. As stated in the applicant's narrative, the proposed building would be sited to reduce glare onto neighboring properties and provides a vegetative buffer between Mendenhall Loop Road and the proposed structure. Additionally, the site plan shows that the proposed building is located 10 feet from the neighboring property line to Kodzoff Acres, providing an additional 5 feet of setback that is greater than what is required for the D15 zoning district. In the D15 zoning district, the side yard setback is 5 feet. Additionally, in the project narrative, the applicant has stated that the rear of the building, abutting Kodzoff Acres, will not have lighting or openings, so as to reduce glare onto the neighboring property.

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Agency and Public Comment – The proposed development application was sent to Capital City Fire & Rescue, CBJ Engineering & Public Works, the CBJ Building Code Official, CBJ Assessors Office, Alaska Department of Environmental Conservation, Alaska Department of Fish and Game, and Alaska Department of Transportation and Public Facilities. At this time, no agencies have raised concerns with the proposed development.

The Alaska Department of Transportation (DOT) declined to comment at this time, as they need more detailed plans for the driveway that will access Mendenhall Loop Road, which is a DOT right-of-way. The applicant is aware that a DOT right-of-way permit is needed.

At this time, two public comments have been received (Attachment E).

Chuck Cohen, May 5, 2019: Mr. Cohen has concerns regarding the proposed development's effects on the neighboring Kodzoff Acres Mobile Home Park. Specifically, he is concerned about property values, neighborhood safety, the disturbance of Duck Creek, and potential flood hazards.

Lisa Idell-Sassi, May 7, 2019: Ms. Idell-Sassi emailed in support of the proposed development.

FINDINGS

CBJ 49.15.330 (e)(1) Review of Director's Determinations, states that the Planning Commission shall review the director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the director's determination on the three items above unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f) Commission Determinations, states that even if the commission adopts the director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,

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3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f) Review of Director's & Commission's Determinations, the director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Yes. Staff finds the application contains the information necessary to conduct a full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 6.120 for the D15 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 17, 2019, and May 27, 2019, issues of the Juneau Empire's "Your Municipality" section, and a notice of public hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a public notice sign was posted on the subject parcel, visible from the public right-of-way.

4. Will the proposed development materially endanger the public health or safety?

No. There is no evidence that the proposed development will materially endanger public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. There is no evidence that the proposed development will decrease the value or be out of harmony with property in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development has been found to be in general conformity with the CBJ Comprehensive Plan.

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Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an approximately 5,000 square foot recreation facility.

The approval is subject to the following conditions:

1. The applicant must submit a lighting plan during the building permit process for review by the Community Development Department; the lighting shall be designed, located, and installed to minimize off-site glare.
2. The applicant shall submit a parking plan during the building permit process for review by the Community Development Department; the parking plan shall include:
 - a. accessible and van-accessible parking spaces
 - b. off-street loading areas
 - c. standard parking spaces
3. The parking spaces shall be striped or wheel stops shall be placed, and spaces shall be signed with required accessible and van-accessible signage prior to the issuance of a Certificate of Occupancy.



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address <i>Manderhall Loop Road</i>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <i>Tract A-2 of US Survey No. 1053 1053</i>		
	Parcel Number(s) <i>SB2101430441</i>		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <i>Juneau Condos LLC</i>	Contact Person <i>Travis</i>	
	Mailing Address <i>10840 Lilac Dr</i>	Phone Number(s) <i>907 321 3118</i>	
	E-mail Address <i>constellation-dec@hotmail.com</i>		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <i>[Signature]</i> Landowner/Lessee Signature		<i>4/6/2019</i> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant <i>Same</i>		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X <i>[Signature]</i> Applicant's Signature		<i>4/6/19</i> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials <i>ANE</i>
Case Number <i>USE20190013</i>
Date Received <i>4/10/19</i>



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

~~Project~~ Sports Center

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: U-120

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 20.49 acres square feet
 Total Area of Existing Structure(s) 0 square feet
 Total Area of Proposed Structure(s) 16000 square feet

EXTERNAL LIGHTING

Existing to remain ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

☒ Plans including:

- ☒ Site plan
- ☐ Floor plan(s)
- ☐ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>500.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>650.00</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

USE20190013

Date Received

4/10/19



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

New 5500 square foot sports center.

Case Number: PAC20190013

Applicant: Travis Arndt

Property Owner: Juneau Condos

Property Address: Mendenhall Loop Rd.

Parcel Code Number: 5B2101030001

Site Size: 892,544 Square Feet

Zoning: D15

Existing Land Use:



Conference Date: 03/13/2019

Report Issued: 03/20/2019

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Travis Arndt	Applicant	Constellation_dev@hotmail.com
Amy Liu	Planning	Amy.liu@juneau.org
John Young	Building	John.young@juneau.org
Autumn Sapp	General Engineering	Autumn.sapp@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – D15. CBJ 49.25.300 indicates that an indoor recreation facility is required to have an approved conditional use permit.
2. **Setbacks** – Include in the site plan setbacks of structures. Setbacks are 20' from the front, 5' from each side, 10' in the rear, and 50' from anadromous waterbodies.
3. **Height** – Include in the elevation drawing the height of facility. 35' is maximum.
4. **Access** – Include in the site plan the driveway. Access is via Mendenhall Loop Rd. DOT driveway permit should be approved prior to building permit.
5. **Parking** – Include in the site plan the parking layout. Parking requirement is one 8.5' x 17' parking space per four people. One ADA space is required for every 25 standard parking spaces.
6. **Lot Coverage** – Include building footprint area in site plan. 50% maximum, which includes all buildings and excludes paving.
7. **Vegetative Coverage** – 30% minimum.
8. **Lighting** – Include in the site plan the locations and description of the lighting. Describe in the narrative how glare onto property surrounding the site would be mitigated. Light shades and any new or existing vegetative buffer may be used.
9. **Noise** – Include in the narrative details about weekly hours of operation and any specific activities that may generate noise outside of the site.
10. **Flood** – 2013 Flood Insurance Rate Map (FIRM) shows building site in an unshaded X zone. However, 2017 FIRM, which is not enforceable until adoption, which is expected to be in early 2020, will designate the building site as zone AE at BFE of approximately 24.6'.

The future zone is associated with specific design requirements, including building at or above BFE. If the facility is not built to AE zone standards, and the site is later designated AE, insurance costs may be higher than they would have been if the structure met those standards.

Include in the narrative how these flood issues may be addressed.

11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – Duck Creek courses north-south along the west side of the proposed building location. No development, including excavation, grading, and construction, is allowed within 50' of the creek.
14. **Plat or Covenant Restrictions** – NA, refer to Plat 2007-72, Tract A-2 of USS 1053.

Building Division:

15. **Building** – comments will be made by the plan reviewer when the building permit is applied for.
16. **Outstanding Permits** – N/a

General Engineering/Public Works:

17. **Engineering** – N/a

Pre-Application Conference Final Report

18. **Drainage** – n/a

19. **Utilities** – (water, power, sewer, etc.) A follow-up email with engineering requirements will be supplied with requirements.

Fire Marshal:

20. **Fire Items/Access** – N/a

Other Applicable Agency Review:

21. DOT&PF N/a

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit application
2. Conditional Use Permit application

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Application materials outlined in the Conditional Use Permit application

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. NA

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit; \$500.00

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Indoor Sports Center

The 20.49-acre site is currently vacant. The site is zoned D15.

The Sports Center will likely be a single story metal building with an internal viewing mezzanine. The building will comply with the 35 ft. height limit for the D15 zoning district. As the funding for the Sports Center is donation related; the building layout is currently conceptual. With a location finalized, fundraising can commence in earnest. Construction would hope to begin later in the summer with the goal of being open in the fall of 2019, for the start of the wrestling season.

It is intended that the floor level of the Sports Center will be located above the base flood elevation level for the 2017 FIRM. While the 2017 FIRM has not been adopted yet, we plan to accommodate it.

The building is located on the site to minimize glare onto the neighboring property. The rear of the building will not have openings nor lightening and will be placed near the property setback line. Site lighting would be located on the front of the building facing the parking and also in the parking lot. The exterior fixtures will provide downward aimed lighting. The existing vegetative buffer (trees) will remain along Mendenhall Loop Road. The driveway will provide the opening through the buffer. The driveway has been located to intersect Mendenhall Loop Road adjacent to an existing streetlight. Thus new lighting at the end of the driveway will not be needed.

The intended activities at the Sports Center are indoors. With the activities contained inside the building, there should not be a significant source of noise. In general, activities would generally occur between 7am and 10pm. Most of the activities would consist of practices for the children, thus by in large happening after school and in the early evening. The construction of this Sports Center is precisely intended to provide the Juneau Youth Wrestling Club with earlier and more favorable practice times. Currently, the youngsters in the 3rd-5th Grade group have to practice as late as 9pm due to limitations on gym space. The anticipated activities should have no problem observing to the existing CBJ noise ordinances.

Due to the large size of the lot, there is ample area for trash collection and snow storage to be located behind the vegetative buffer (trees) along Mendenhall Loop Road.

The Juneau Youth Wrestling Club is a non-profit youth program created to teach the skills and techniques of wrestling to youth in Juneau. Our goal is to provide opportunities to not only learn about wrestling but also foster the development of important skills such as self esteem, sportsmanship, work ethic and leadership skills. A facility would allow us to continue to grow our membership and give the community a centralized location that children can learn about wrestling and be in a positive, life enriching environment.

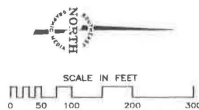
One of the obstacles that we have faced is not being able to find a location that can accommodate our growing membership and provide suitable hours for practices. We currently hold the Kindergarten through 5th grade practices back to back, three days a week, starting as late as 7pm at the Southeast Gymnastics Academy. The 6th through 12th grade practices are held through community schools with the same starting time of 7pm. The late start times are a problem for families especially those with young children and prevent those who are interested from joining. Since we do not have a permanent home for our organization, we are not able to change our start times due to the schedules of community schools and the SE Gymnastics Academy. Our own facility would allow us to have a centralized venue that can hold practice for all Kindergarten through 12th grade as well as provide families with a more time efficient practice schedule. This will allow those that aren't able to participate due to time constraints the opportunity to enroll.

In the last 12 years, our enrollment numbers have grown. We are now at the point that our practice spaces and times won't allow us to grow any further. We currently do very little advertising, mostly word of mouth, and that keeps us right at max capacity. With our own facility, we would be able to provide the space needed to allow for growth in our organization. We currently have about 65-75 kids per season and with more space and better practice times, we could almost double our numbers to about 120+ per season. A facility would also grant us the ability to combine age groups as we would have the space needed and in return we could hold earlier practices. In addition, we would be able to have the option to offer open mats for the weekends. Where parents can come in with their children or middle and high schoolers can come and wrestle on the mats outside of practice.

The location of the building would be central in the valley and not far from either of the facilities that we currently utilize for practices. Most of our members largely live in the valley and as far out as T-harbor. Although we have some members that live near downtown, there is a smaller wrestling club that operates in Douglas. We work with that organization and some children and coaches participate in both clubs. We always support other clubs and wrestling in Juneau. Due to this, we do not want to relocate to a location too close to downtown and risk taking from their membership. For these reasons, the location of being central in the valley would be ideal.

In closing, our organization is restricted by space and time restraints. This makes it difficult for our organization to grow and provide opportunities to the youth in Juneau. A facility would allow us to centralize all of our practices in a location that's near our current practices, provide better practice schedules and allow for growth in our organization. This would benefit not only those wanting to join but also the youth that have poured their heart and soul into our program year after year as well as the parents that have supported their children and the coaches and volunteers that have volunteered countless hours. This facility would give back to those that have endured revolving practice locations and times over the years.

Thank you for your time and consideration,
Josh Houston
JYWC President

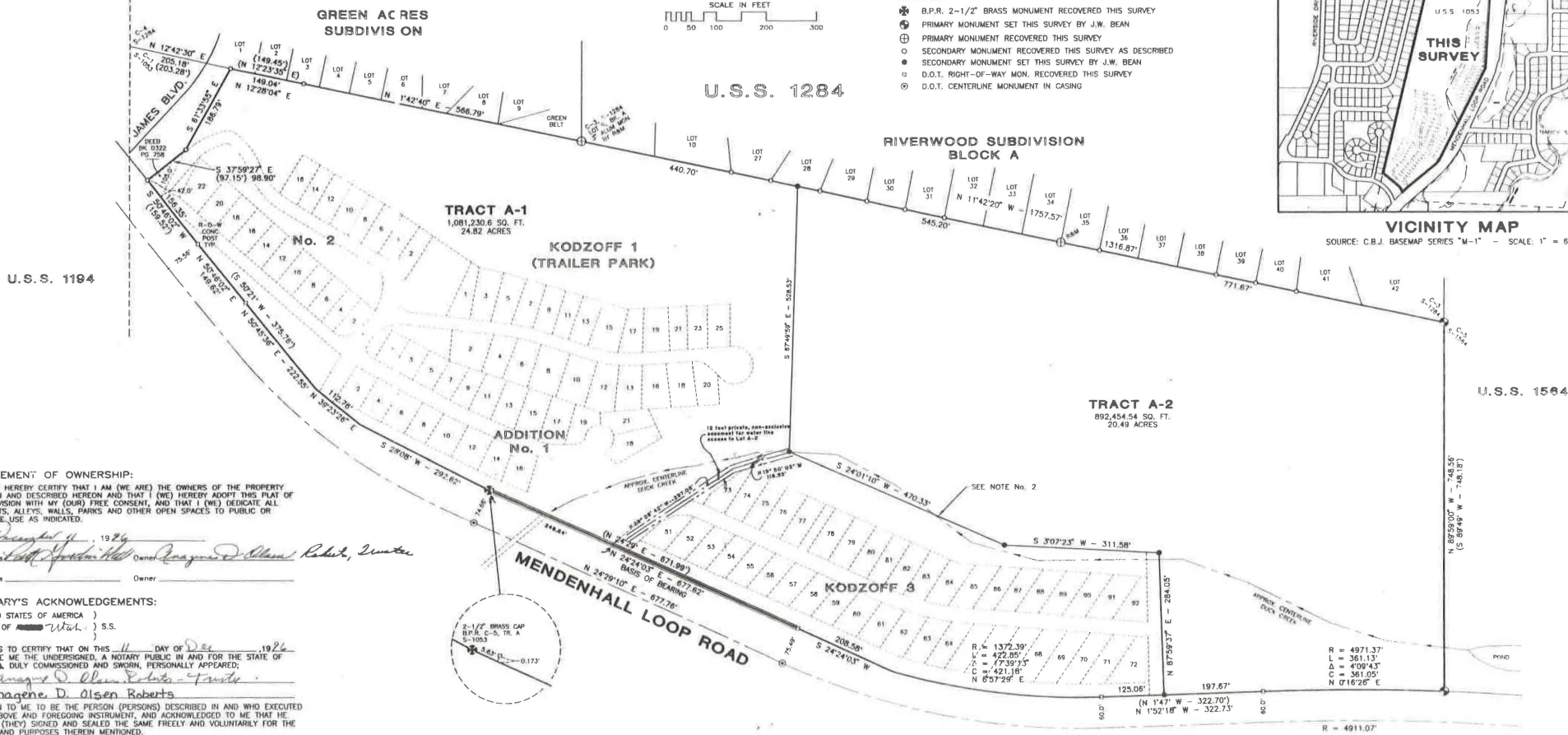


LEGEND

- ⊗ B.P.R. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- ⊙ PRIMARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY AS DESCRIBED
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- ⊠ D.O.T. RIGHT-OF-WAY MON. RECOVERED THIS SURVEY
- ⊞ D.O.T. CENTERLINE MONUMENT IN CASING



VICINITY MAP
SOURCE: C.B.J. BASEMAP SERIES "M-1" - SCALE: 1" = 600'



STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM (WE ARE) THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND THAT I (WE) DEDICATE ALL ALLEYS, WALLS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS INDICATED.

Anagene D. Olsen Roberts, 1926
Owner

NOTARY'S ACKNOWLEDGEMENTS:

STATE OF ALASKA)
COUNTY OF JUNEAU) S.S.

THIS IS TO CERTIFY THAT ON THIS 11 DAY OF Dec, 1926, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

Anagene D. Olsen Roberts

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for *John Wayne Coker*
My Commission Expires *May 18, 1997*

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, 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.

Date 12-6-96

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY & 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.

Dated: Dec 15, 1996, 1996.

Attest: *John Wayne Coker*
Director
City & Borough of Juneau
Department of Community Development

U.S.S. 1053
TR. A-2, FR. LOT 1, BLOCK 1
TALL TIMBERS SUBDIVISION

NOTES:

1. RIGHT-OF-WAY OF MENDENHALL LOOP ROAD FROM PLAT 89-30
2. CENTER LINE OF DUCK CREEK LOCATION FOR FUTURE DEVELOPMENT MAY BE SUBJECT TO C.B.J. ZONING REQUIREMENTS OF STREAM SETBACK.

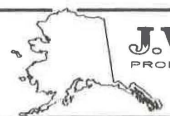
RECEIVED
APR 10 2019

USE 20190013

A PLAT OF
TRACT A-1 AND TRACT A-2
A SUBDIVISION OF
TRACT A, U.S. SURVEY No. 1053
JUNEAU RECORDING DISTRICT
JUNEAU - ALASKA



DRAWN BY: SOUTHEAST GRAPHIC MEDIA	CHECKED BY: J.W.B.
DWG. DATE: 10-28-1998	FIELD BOOK:
SCALE: 1" = 100'	JUNEAU - ALASKA
LAST REVISION:	REVISION:
DATE:	BY:

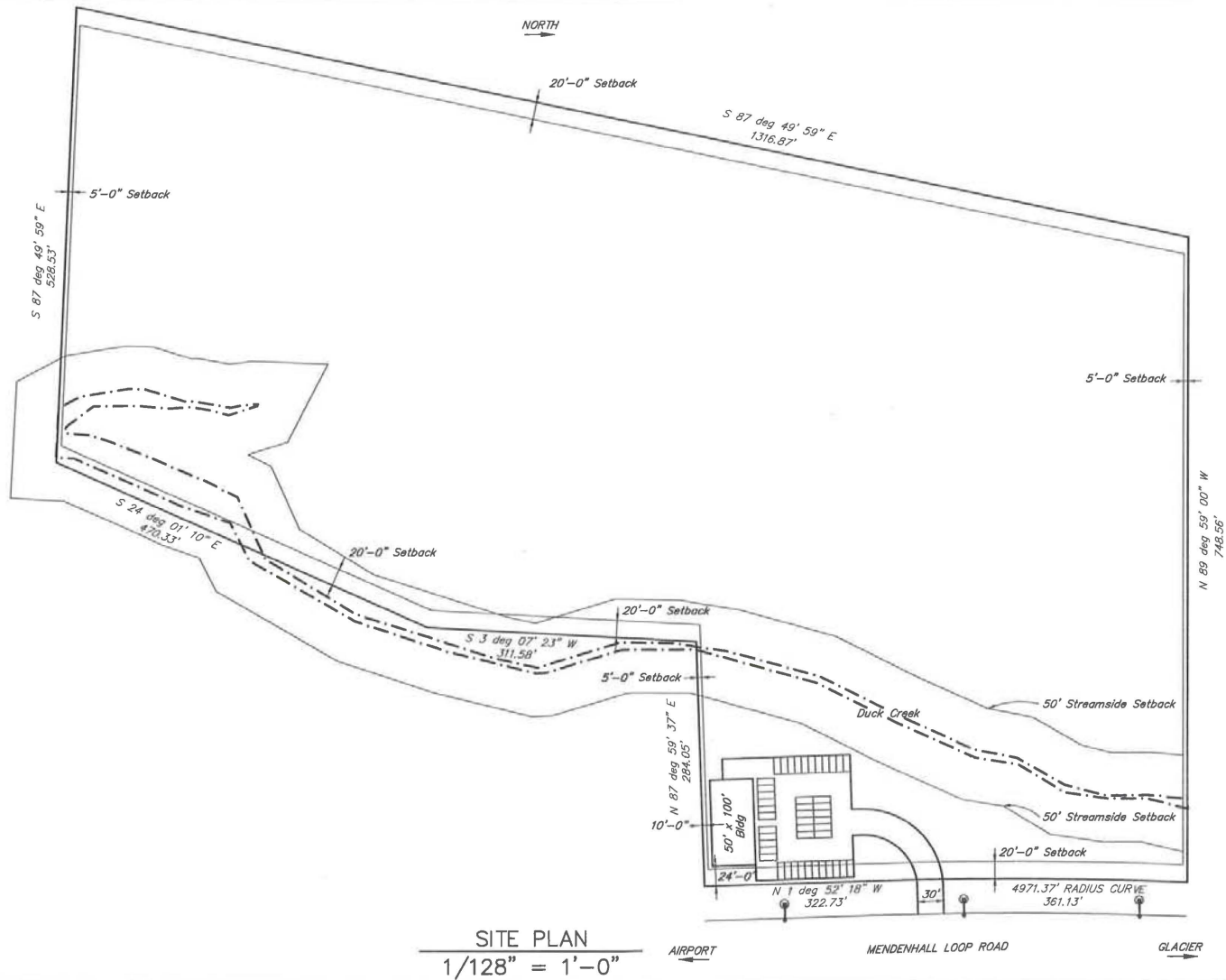


J.W. BEAN
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
99801
SURVEYOR - PLANNER

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESES. MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESES.





RECEIVED
APR 10 2013
PERMIT CENTER

SITE PLAN
1/128" = 1'-0"

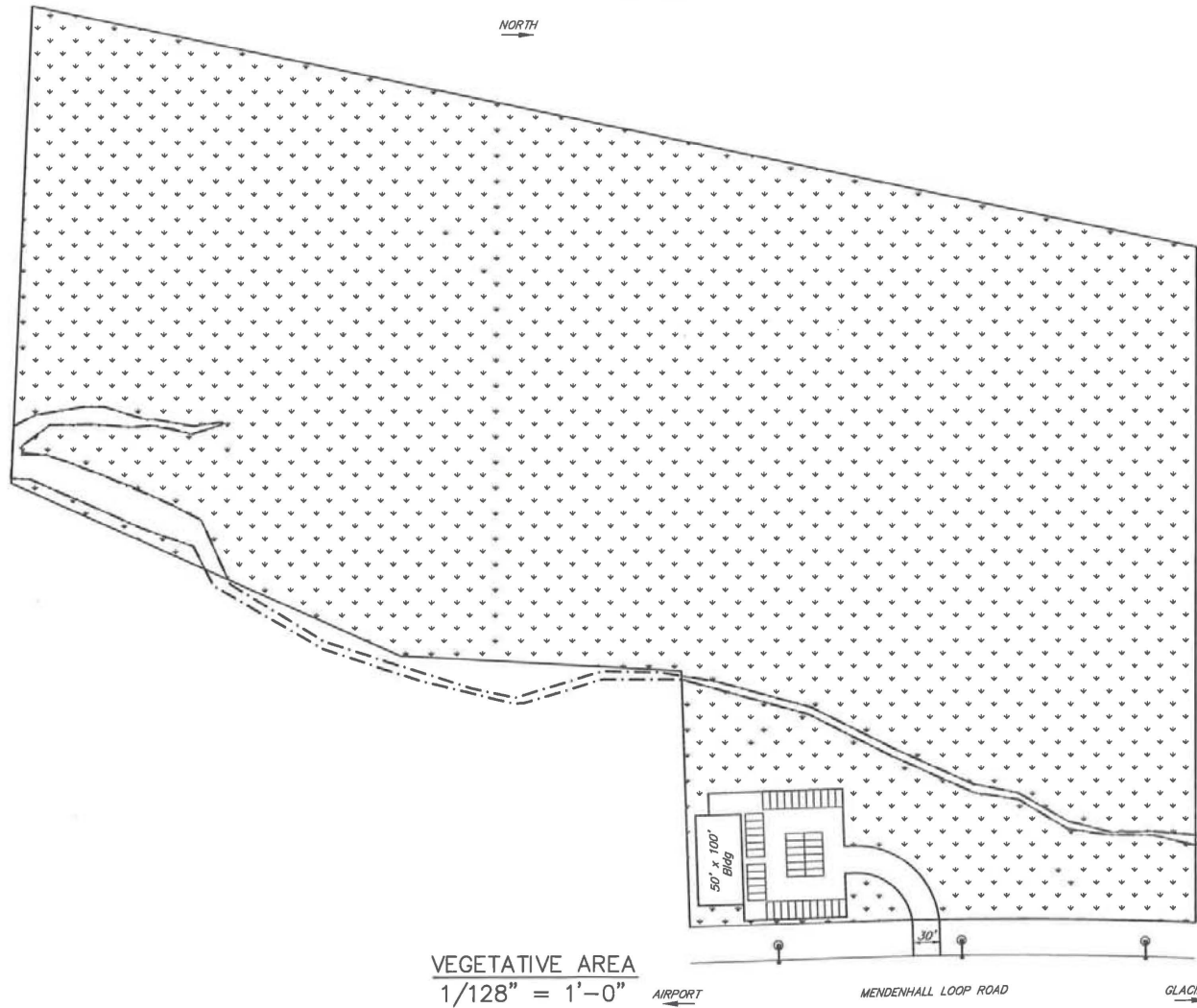
CONSTELLATION DEVELOPMENT

Tract A-2

USS No. 1053.

SITE PLAN

10640 Liza Drive
Janesville, WI 53547
907-321-3118



RECEIVED
APR 10 2000
PERMIT CENTER/CDD

NOTES:
VEGETATIVE AREA >> 30%

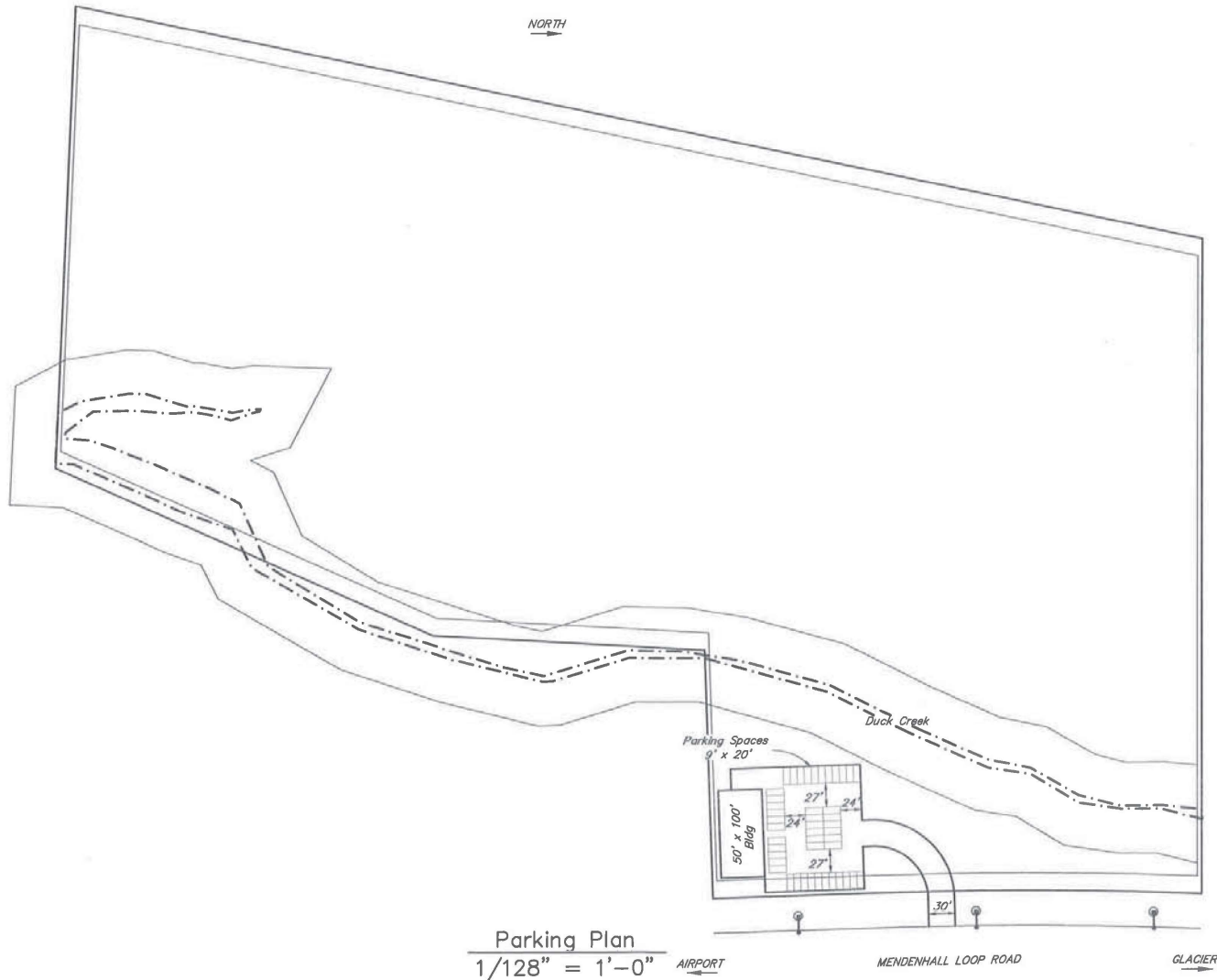
CONSTELLATION DEVELOPMENT

Tract A-2

USS No. 1053

VEGETATIVE AREAS

10840 Ukon Drive
Juneau, AK 99801
907-586-3118



Parking Plan
1/128" = 1'-0"

NOTES:
45 PROPOSED SPCS.
40 REQUIRED SPCS.

CONSTELLATION DEVELOPMENT

Tract A-2

USS No. 1053

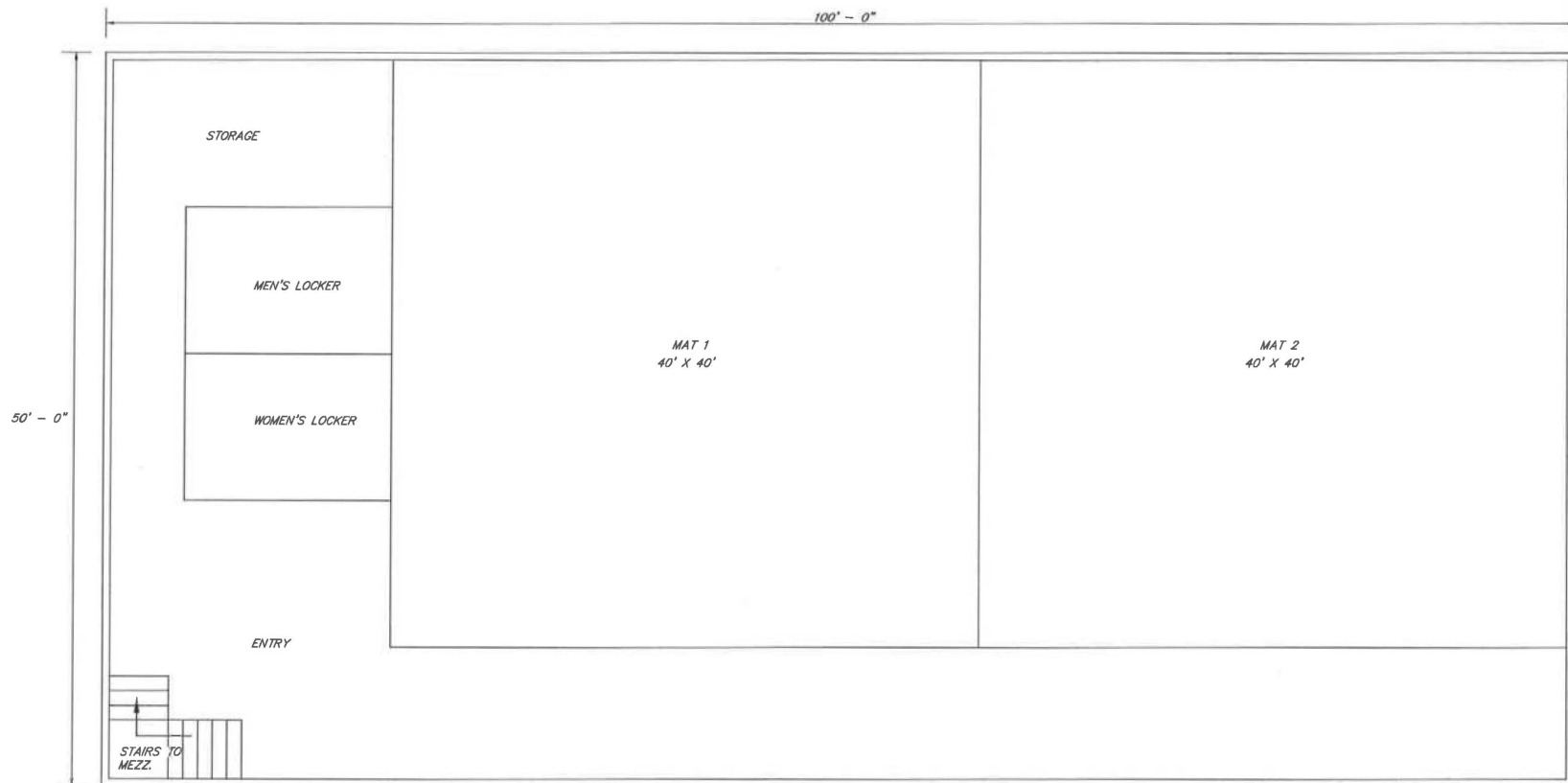
PARKING PLAN

10840 Liso Drive
Janesville, WI 53901
907-321-3118

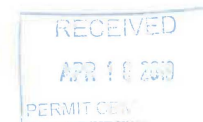
RECEIVED
APR 16 2003
PERMIT 02



Attachment C - Conceptual Drawings



CONCEPTUAL FLOOR PLAN
1/8" = 1'-0"



CONSTELLATION DEVELOPMENT

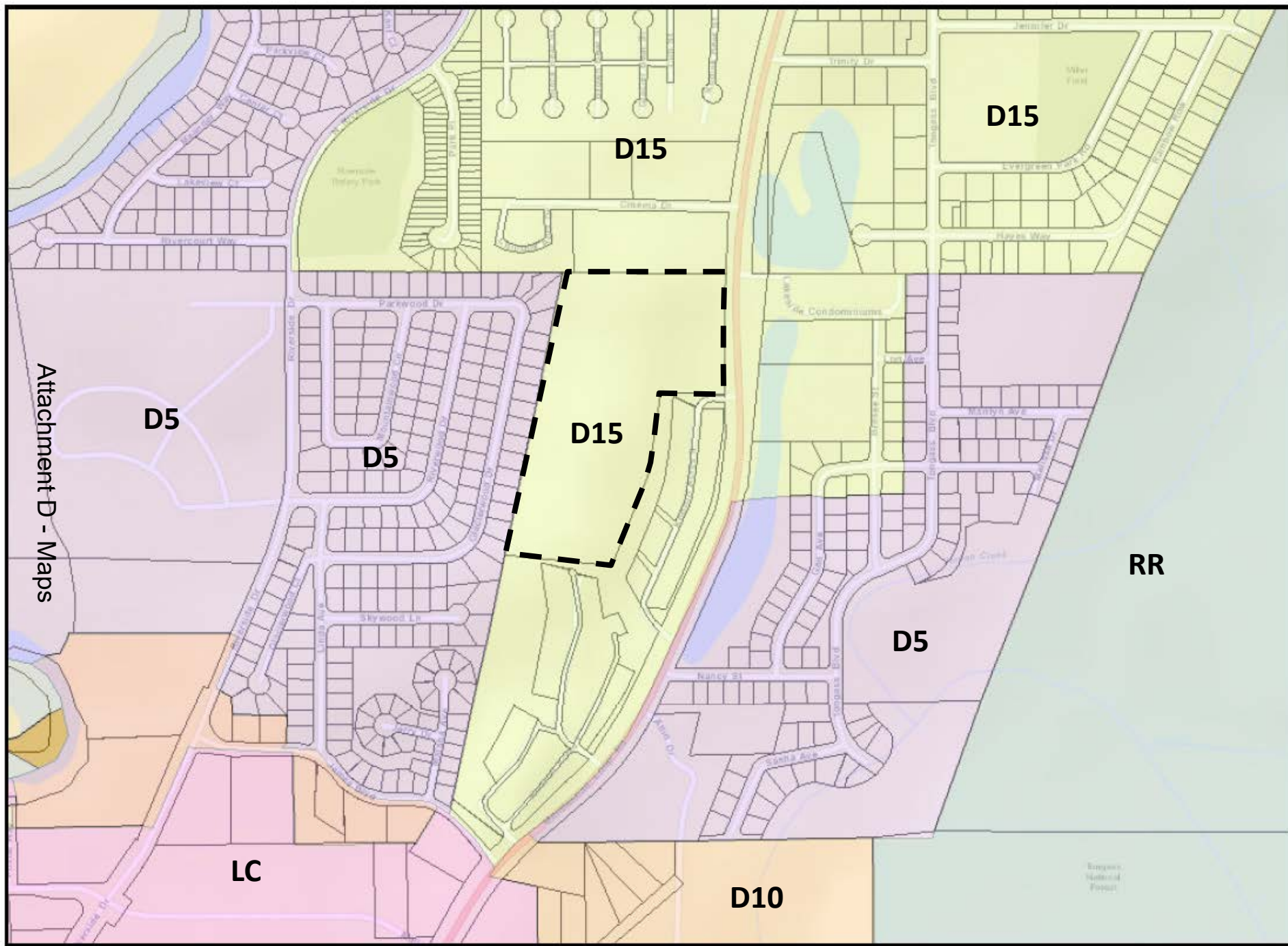
10840 Lisc Drive
Juneau, AK 99801
907-321-3118

Tract A-2

USS No. 1053

FLOOR PLAN





Attachment D - Maps

Laurel Christian

From: Charlie Ford
Sent: Wednesday, May 1, 2019 2:30 PM
To: Laurel Christian
Subject: RE: USE20190013 Agency Review: A Conditional Use Permit for a 5,000 square foot sports facility.

Hi Laurel,

I didn't see a drawing for the mezzanine but if it's a true mezzanine his occupant load will be 80.

Charlie Ford | Building Official

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0767



From: Laurel Bruggeman
Sent: Tuesday, April 30, 2019 1:19 PM
To: Charlie Ford
Subject: FW: USE20190013 Agency Review: A Conditional Use Permit for a 5,000 square foot sports facility.

Hi Charlie,

Could you tell me what the capacity would be for this building for people? For parking calculation purposes, we need to know the capacity.

He's proposing a 50x100 building with a mezzanine, there is a site plan in the attached application.

Thanks!

Laurel Christian | Planner

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0761



From: Laurel Bruggeman

Sent: Monday, April 15, 2019 9:39 AM

To: Dan Jager; Sven Pearson; General Engineering; Charlie Ford; Robin Potter; Mary Grant; 'brock.tabor@alaska.gov'; Skagerberg, Verne R (DOT); 'Epstein, David B (DOT)'; 'kate.kanouse@alaska.gov'

Subject: USE20190013 Agency Review: A Conditional Use Permit for a 5,000 square foot sports facility.

Good morning,

We have received an application for a Conditional Use Permit for a 5,000 square foot sports facility. This review has been expanded due to the proximity of the facility to Duck Creek.

Please see the attached application materials and provide your comments to me by May 1, 2019.

Let me know if you have any questions or need additional information.

Thank you,

Laurel Bruggeman | Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0761



Laurel Christian

From: Dan Jager
Sent: Tuesday, May 7, 2019 4:21 PM
To: Laurel Christian
Subject: RE: USE20190013 Agency Review: A Conditional Use Permit for a 5,000 square foot sports facility.

Hi.
Yes, access is still good and no sprinklers required as it is under the 12,000 square foot threshold.
Dan

From: Laurel Christian
Sent: Tuesday, May 07, 2019 4:18 PM
To: Dan Jager
Subject: RE: USE20190013 Agency Review: A Conditional Use Permit for a 5,000 square foot sports facility.

Hi Dan,

Would the proposed access meet any requirements for fire?

Additionally, would this size building need to be sprinkled?

Thanks much!

Laurel Christian | Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0761

Please note new email: Laurel.christian@juneau.org



From: Dan Jager
Sent: Monday, April 15, 2019 10:46 AM
To: Laurel Bruggeman
Subject: RE: USE20190013 Agency Review: A Conditional Use Permit for a 5,000 square foot sports facility.

Still looks ok for us, thanks Laurel!
Dan

From: Laurel Bruggeman
Sent: Monday, April 15, 2019 9:39 AM
To: Dan Jager; Sven Pearson; General Engineering; Charlie Ford; Robin Potter; Mary Grant; 'brock.tabor@alaska.gov';

Laurel Christian

From: Laurel Christian
Sent: Monday, May 6, 2019 8:16 AM
To: 'Chuck Cohen'
Subject: RE: Case No. USE2019 0013

Good morning Chuck,

Thank you for your comments on the proposed development, they will be included in my staff report to the Planning Commission.

Please note:

1. This is not a proposal for a subdivision, and no subdivision application has been received by the department for this parcel, so we cannot require a subdivision review.
2. The subject parcel is zoned D15, not D18.
3. Staff, and the Director, make a recommendation to the Planning Commission for conditional use permits. The case is scheduled for the May 28th Planning Commission hearing, you and the residents of Kodzoff Acres are welcome, and encouraged to testify before the Commission. Ultimately the Planning Commission makes a decision on the proposed development, not the Director.
4. AKDOT and the CBJ Fire Marshall have been consulted during Staffs review of the proposal.

Please let me know if you have any questions.

Thanks,

Laurel Christian | Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0761

Please note new email: Laurel.christian@juneau.org



From: Chuck Cohen [mailto:kodzoff@alaskan.com]
Sent: Sunday, May 5, 2019 1:29 PM
To: Laurel Christian
Subject: Re: Case No. USE2019 0013

Laural:

Thank you for providing this information. Frankly, we were taken by surprise learning of this proposed intensive development by Juneau Condos, LLC, an partnership of Constellation Development LLC and Trucano Construction, Inc. so close to the north entrance to Kodzoff Acres II, a well established lower density single family neighborhood with 42 families, many with children. We have not really had enough time to respond to

this proposal, and we suggest this planning process be delayed to give the neighborhood time to respond, possibly with a neighborhood meeting. These are sophisticated developers well able to respond to a undivided large tract development planning process.

We do, however, have some initial thoughts. The scale of this proposed development, in comparison to the adjacent neighborhood, is a major development out of harmony with existing land use. Moreover, neighborhood resident public safety and homeowner property values will be adversely affected. We believe the conditional use process is the wrong regulatory scheme for this development. We believe it is appropriate to treat this proposed development as a subdivision so all critical land use and planning factors may be considered in advance with sufficient detailed information for the department and director to make an informed decision.

This proposal is for a 5500 square foot commercial use building for competitions and exhibitions, with a large paved area for 45 parking spaces (180 users) being custom built and then leased to a private non-profit social or fraternal club. Such a use (Social and Fraternal Clubs - 5.400) is not permitted in a D-18 zone at all. Moreover, the shape, grade, and adjacency issues to Duck Creek and the existing neighborhood make initial topography, flood plain, precise creek boundary location, proposed final fill and grading and drainage and vegetative barriers to both Mendenhall Loop Road and Kodzoff Acres entrance street critical issues that must be predetermined to assure that this development does not adversely affect public safety and adjacent property values.

The most recent flood plain maps suggest that Duck Creek is backing up at Nancy Street because the State under highway culvert is silted and perhaps isostatic rebound. This has begun to cause flooding issues in the portions of the creek to the rear of Kodzoff II, not previously present. The on grade and sheet drainage of a large building roof and vehicle parking lot into Duck Creek in periods of peak rainfall without significant mitigation efforts will likely flood homeowners lots on the west side of Kodzoff Acres II. These are owner occupied lots, and each homeowner's house is a tax parcel likely to be severely and adversely affected, both in terms of value and future financing. Mobile homes of this type are unsubsidized affordable housing, a well documented community need. The economic viability of this neighborhood needs to be preserved. These issues need to be considered before, not after issuing a conditional use permit.

As a practical matter, a 20 acre large central urban parcel zoned D-18, if properly evaluated a subdivision use, would be required to have perimeter property line setbacks and vegetative barrier (green belt) separations to adjacent properties and roadways well in excess of the setback rules for small subdivided residential lots within such a subdivision. In short, this proposed development permitting process is putting the "cart before the horse". Larger setbacks are needed along the Mendenhall Loop Road to preserve the greenbelt which mitigates noise, air pollution, wind effects and allows filtering of highway water runoff into well established ditches. In the mobile home park, we have worked hard over the years to maintain this vegetative barrier. The current proposal would remove this barrier and replace it with parking right up to the roadside property line. Larger setbacks are also needed along the Kodzoff II entry roadway and US Postal service owned mail boxes for much the same reasons. Frankly, 5 feet from the property line is ridiculous. At a regulatory minimum it is already required to be 13 feet for a small lot adjacent to a street, and that would allow no room for a vegetative barrier, ditching to collect runoff before it floods our neighborhood street, freezes in the winter and travels unfiltered into Duck Creek.

Before any decision is made by the director for this proposal, there needs to be a survey with current topography, stream location determination as well as a proposal for final lot elevations and a drainage plan. The meander line on the plat is illustrative only at least in terms of current conditions. Also, some proposal for future development and access to the remainder of the lot should be considered. The big picture is important, especially to drainage. Drainage and flooding of our adjacent property is of prime concern, and it affects current affordable residential property use, as well as future use homeowner property values, insurance and financing.

We also noted from in your report on the developer's pre-conference, ADOT and the CBJ Fire Marshal were noted to be N/A, which we interpreted to be "not applicable". We do not agree. We believe ADOT and the CBJ Fire Marshal should be given an opportunity for input prior to any decision as their views on traffic, access, drainage, and public safety are quite applicable to any determination regarding adverse effects on public safety, property values and drainage and mitigation. ADOT has a current plan for improvements to the Mendenhall Loop Road and has had consultants studying Duck Creek for drainage and flood mitigation issues in conjunction with ADF&G and its plans for future roundabouts and roadway drainage. The Fire Marshal may be concerned that there is no water main on Mendenhall Loop Road to provide fire protection or domestic water for this proposed high occupancy commercial building.

Finally, it might not be a bad idea to have a subdivision review committee consider the following items:

- Existing topography and stream location particulars;
- Drainage and water quality requirements;
- Pedestrian ways, anticipated traffic, traffic align and connect streets;
- Water and sewer and electric capacity and availability to site and the lot as a whole;
- Fire protection, hydrants to the site and lot as a whole;
- Grading and drainage plans for the site and any future access to the lot as a whole; and,
- Future development plans for the lot as a whole and traffic and intersection issues

In our view, a subdivision approval process should, at least in terms of a lot split, precede any other conditional use approval process for this site as a very small portion of a previously un-subdivided large urban tract of land. To do otherwise is simply an end run around a solid comprehensive planning process that protects the neighborhood and the public interest. For these reasons, we do not believe the conditional use process is appropriate at all and the original application should have been rejected in favor of a minor subdivision process at a minimum.

Best regards,

Chuck Cohen
 Managing Member
 KODZOFF ACRES, LLC
 d/b/a Kodzoff Acres Mobile Home Park

Hello Chuck,

All the application materials for USE20190013 can be found here:
<https://packet.cbjak.org/CoverSheet.aspx?ItemID=6975&MeetingID=987>

Thank you,

Laurel Christian | Planner
 Community Development Department | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Office: 907.586.0761

Please note new [email: Laurel.christian@juneau.org](mailto:Laurel.christian@juneau.org)

-----Original Message-----

From: Chuck Cohen [mailto:kodzoff@alaskan.com]

Sent: Thursday, May 02, 2019 12:51 PM

To: PC_Comments

Subject: Case No. USE2019 0013

Laurel:

We do not believe CBJ has properly noticed this Planning Commission process for a conditional use permit for the above referenced parcel.

Initially, we have a number of procedural concerns.

. (A 5500 foot commercial building, plus a performance viewing mezzanine and parking to accommodate 45 vehicle and an anticipated use by 180 users at an one timeommendations is unreasonably short. There are many details you do not know about this parcel which might well impact your recommendation decision. We just received your notice card today! May 6, the comment deadline, is Monday, which allows barely two business days to gather information and prepare an informed comment in writing. That timeline is flawed, totally unreasonable and without justification. We request your notice be withdrawn and properly re-published with notice to all separate property owners and reasonable timelines to allow meaningful public participation and assure due process to adjacent property owners.

Best regards,

Chuck Cohen

Managing Member

Kodzoff Acres,LLC

d/b/a. Kodzoff Acres Mobile Home Park

From: Lisa Idell-sassi <lidellsassi@outlook.com>
Sent: Tuesday, May 7, 2019 10:41 AM
To: PC_Comments
Subject: Indoor Rec Facility - Conditional Use Permit

Hello,

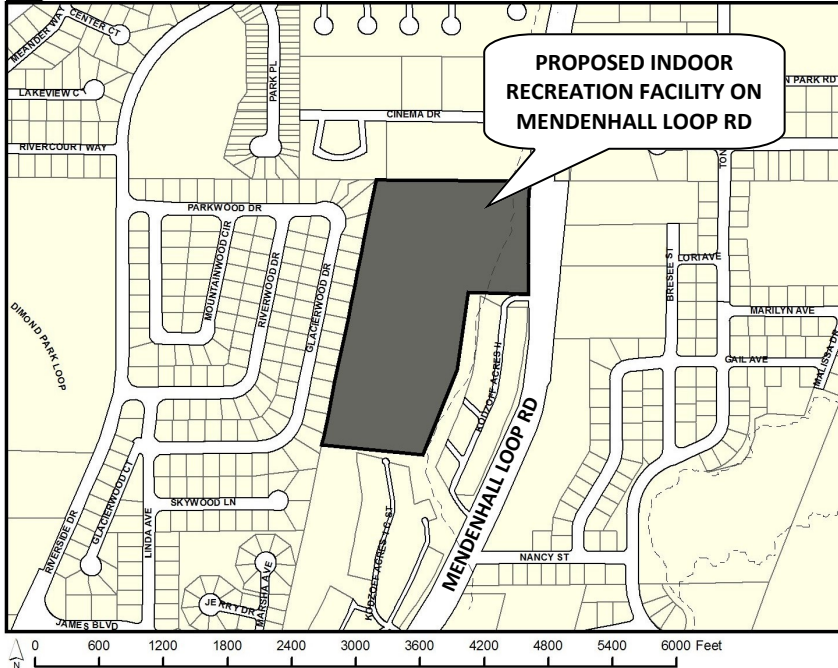
I wanted to email CBJ to show my support for an indoor recreational facility in the Mendenhall Loop Road, D15 zone. Kids in Juneau REALLY need more places to go and have fun and exercise, and I fully support this.

Thanks,
Lisa Idell-Sassi

Sent from [Mail](#) for Windows 10

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **5,000 square foot indoor recreational facility** located on **Mendenhall Loop Road** in a **D15 zone**.

TIMELINE

Staff Report expected to be posted **Monday, May 20, 2019**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 6, 2019

Comments received during this period will be sent to the Planner, **Laurel Christian**, to be included in the staff report.

May 7 through 12 noon, May 24

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 28, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29

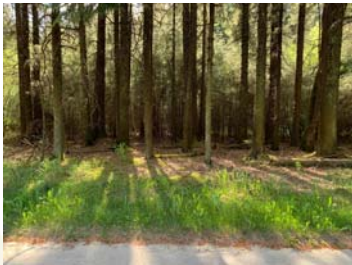
The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: USE2019 0013
Parcel No.: 5B2101030001
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2019 0013

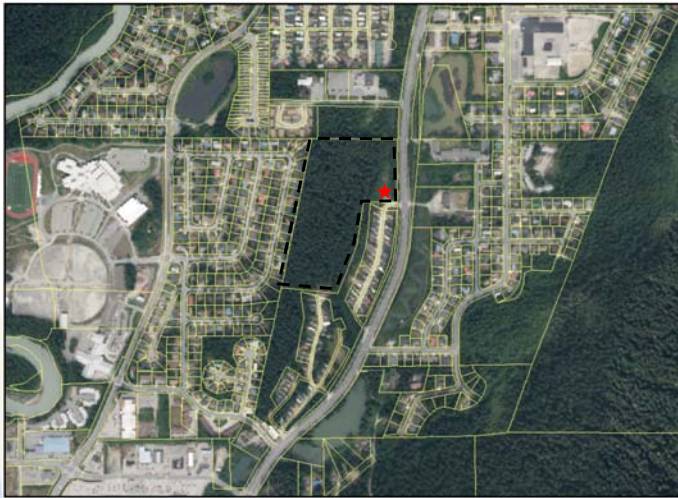
A Conditional Use Permit for a 5,000
square foot indoor recreation facility
May 28, 2019 Planning Commission Presentation



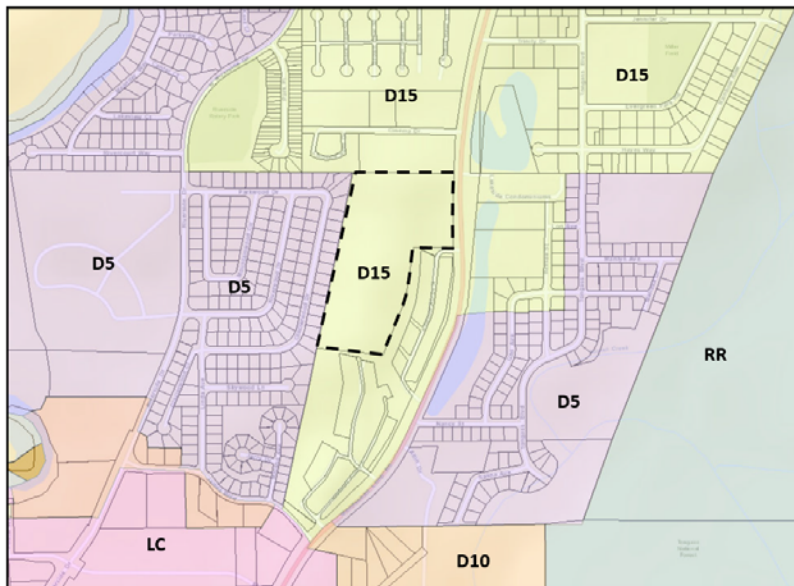
Background Information

Applicant:	Juneau Condos LLC
Property Owner:	Juneau Condos LLC
Site Size:	892,544 Sq. Ft. (20.49 Acres)
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR)
Current zoning:	D15 Multifamily
Proposed Use:	USE 6.120 Recreation indoor activity conducted entirely within a building or substantial structure.



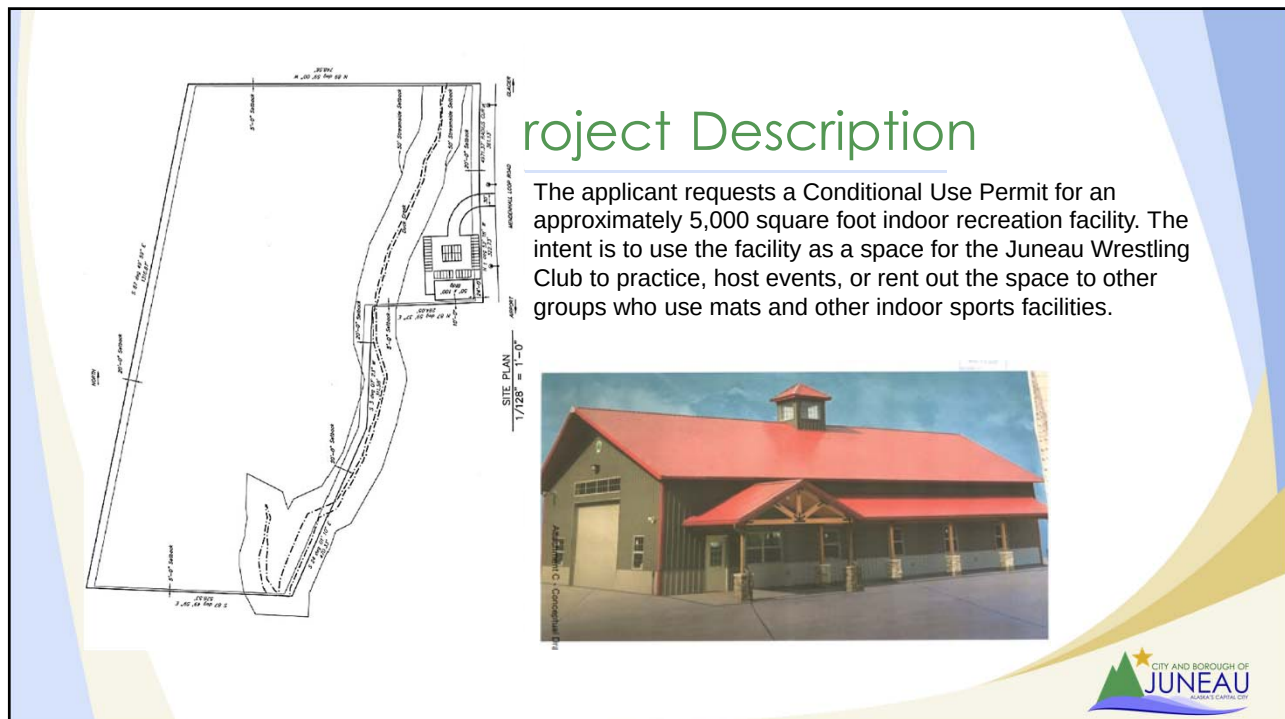
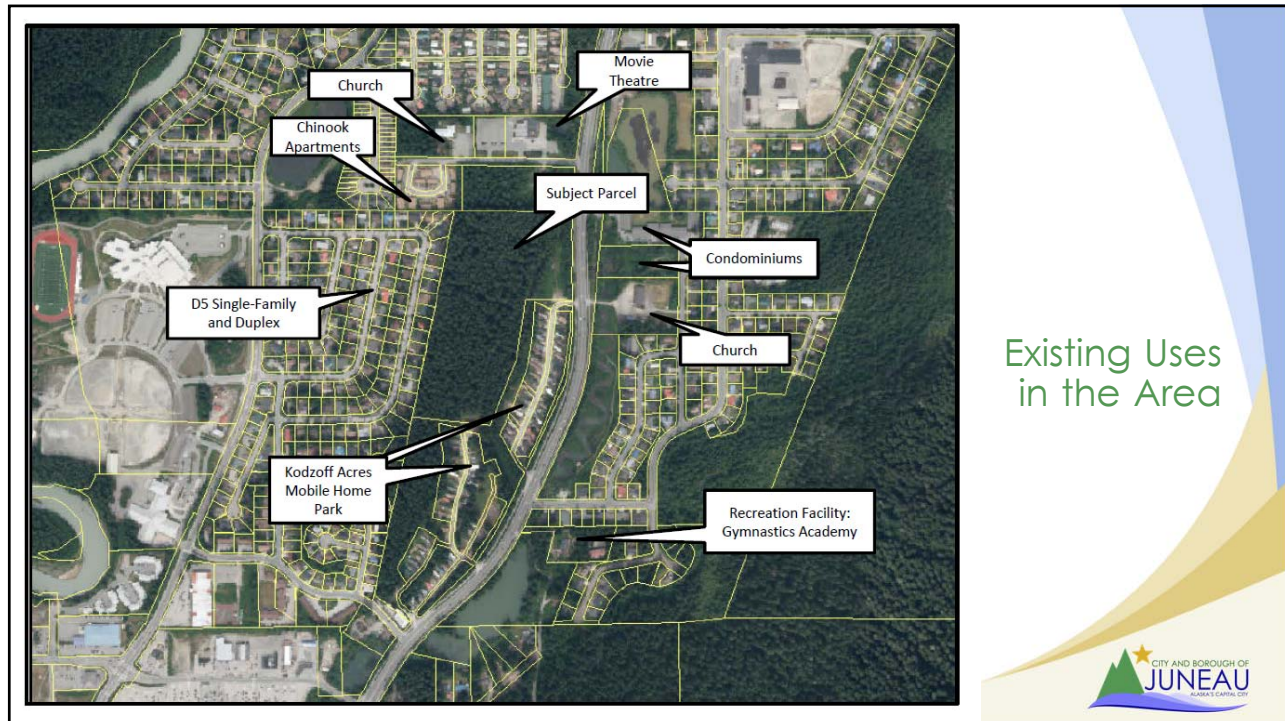


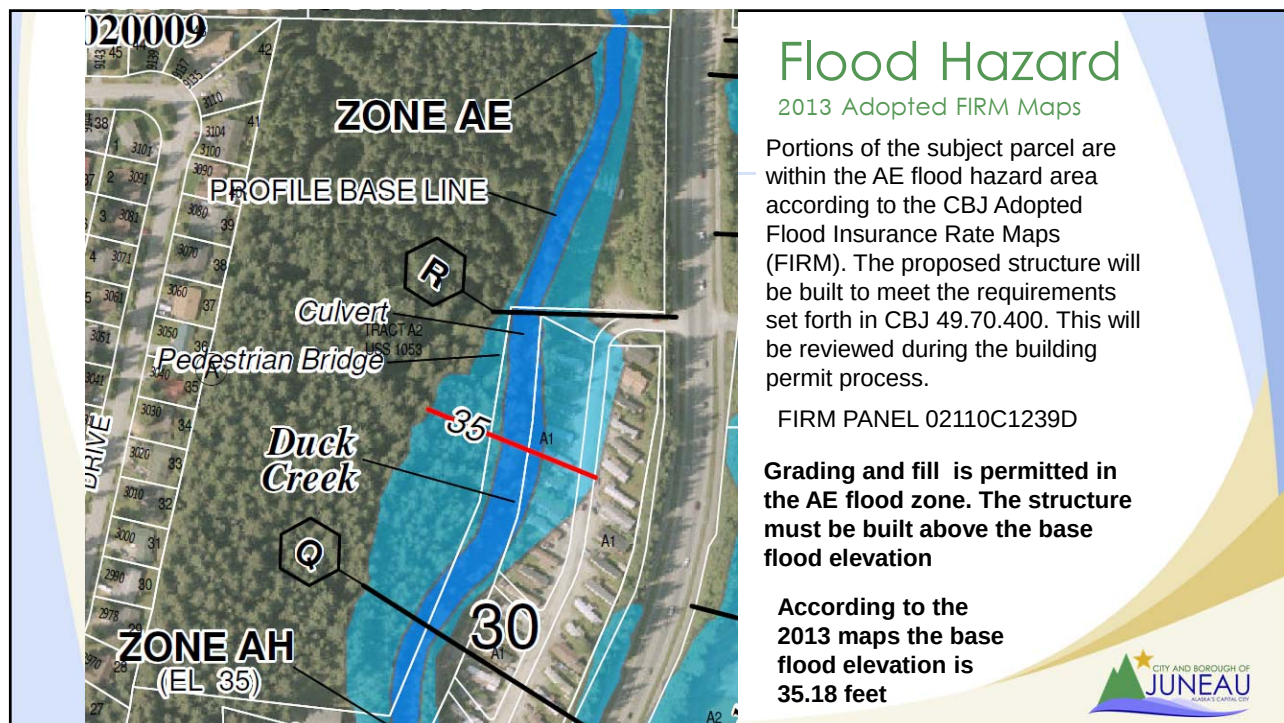
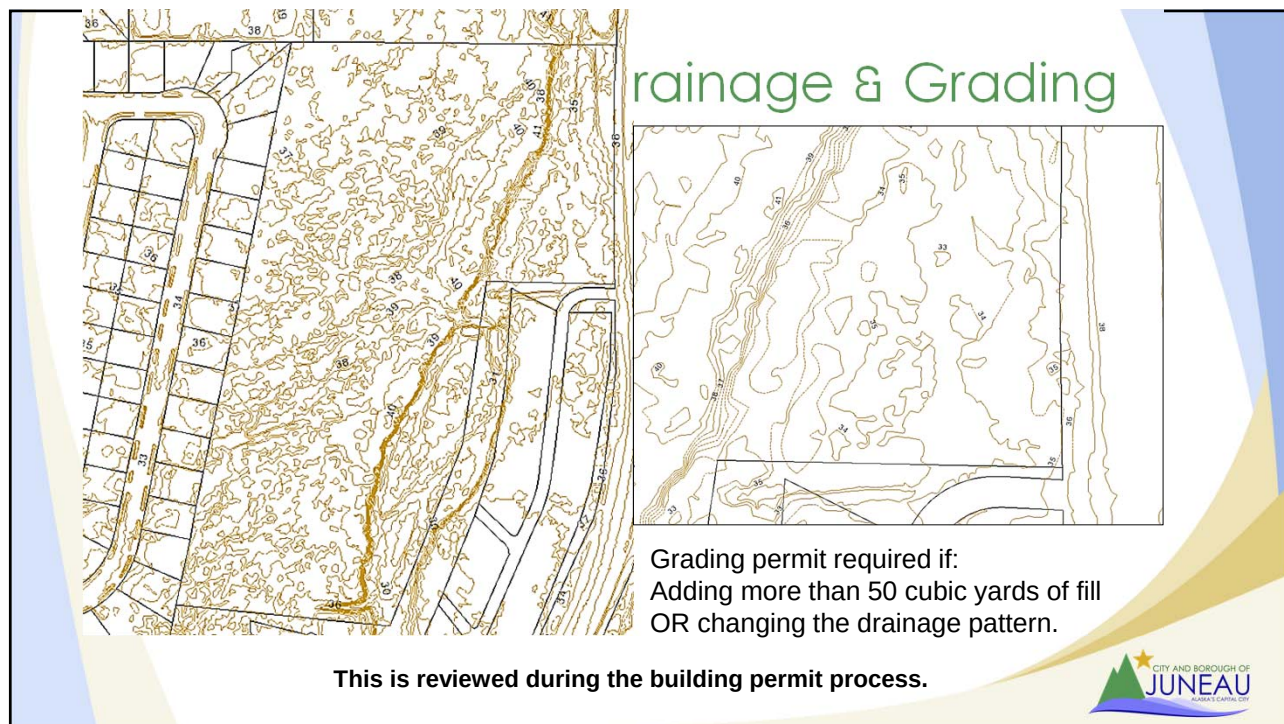
icinity Map

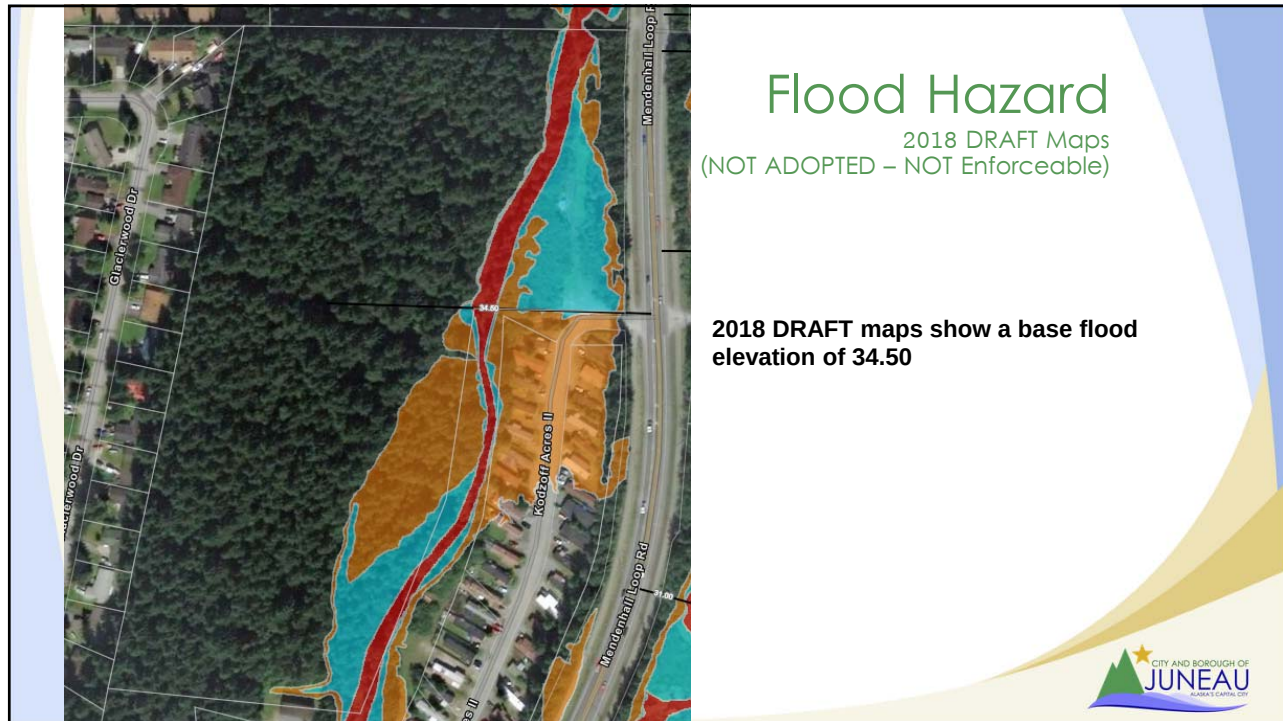


Zoning Map









Agency & Public Comment

No issues were raised during agency review of the submitted application materials.

Concerns raised by neighborhood residents include property values and neighborhood harmony due to potential drainage issues as the site is located within the flood hazard area.

254 Public notice post cards printed April 29, 2019

Public notice sign posted on-site May 14, 2019

Newspaper ads published on May 17 and May 27, 2019



An application has been submitted for consideration and public hearing by the Planning Commission for a Conditional Use Permit for a 5,000 square foot indoor recreational facility located on Mendenhall Loop Road in a D15 zone.

TIMELINE

Now through May 6, 2019
Comments received during this period will be sent to the Planner, Laurel Christian, to be included in the staff report.

May 7 through 12 noon, May 28
Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, May 28, 2019
You may testify and bring up to 2 pages of written material (25 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 29
The results of the hearing will be posted online.

Staff Report expected to be posted Monday, May 20, 2019, at <https://hwa.juneau.org/assembly/assembly-minutes-and-agendas>. Find hearing results, meeting minutes and more here as well.

Phone: (907) 586-0715 • Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

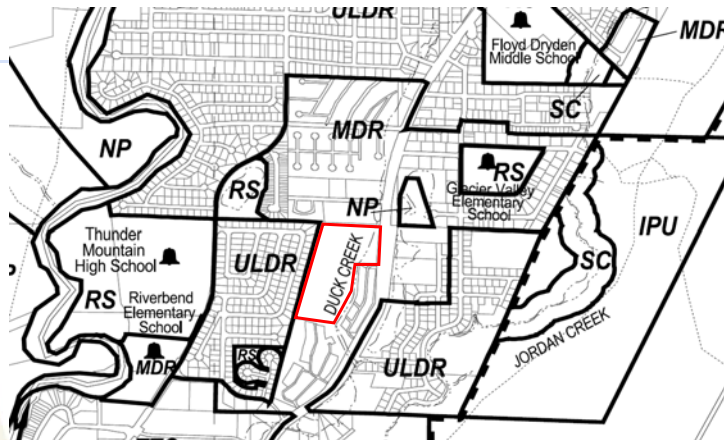
Case No.: USE2019 0013
Parcel No.: 582101030001
CBI Parcel Viewer: <http://epw.juneau.org>

PRINTED April 26, 2019



Conformity with Adopted Plans

2013 CBJ Comprehensive Plan



Medium Density Residential (MDR). These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

Staff finds The proposed development is at a scale appropriate for the existing neighborhood. Nearby uses include churches, a mobile home park, a cinema, a recreation facility, apartment buildings, existing condominiums, single-family residences, and a proposed condominium development



Conformity with Adopted Plans

2013 CBJ Comprehensive Plan

Chapter One of the Comprehensive Plan establishes a vision and guiding principles; the proposed development is consistent with the following:

Quality education from Pre-school to University levels. Promote quality educational programs and experiences in the schools and lifelong learning for our residents as well as a healthy lifestyle with adequate recreational facilities, resources and programs. Support a vital arts community, celebrating our diverse cultural heritage and unique historic resources.

Additionally, the proposed development is consistent with the following policies from the Comprehensive Plan:

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

The applicant has stated in their narrative how they will reduce conflict between the neighboring properties:

- Increase the side yard setback from 5 feet to 10 feet on the adjoining side lot line.
- Reduce glare by not installing windows or lighting on the rear of the building that faces Kodzoff.
- The applicant will maintain a vegetated buffer along Mendenhall Loop Road



Findings

1. Is the application for the requested Conditional Use Permit complete?

Yes. Staff finds the application contains the information necessary to conduct a full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 6.120 for the D15 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 17, 2019, and May 27, 2019, issues of the Juneau Empire's "Your Municipality" section, and a notice of public hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a public notice sign was posted on the subject parcel, visible from the public right-of-way.

4. Will the proposed development materially endanger the public health or safety?

No. There is no evidence that the proposed development will materially endanger public health or safety.



Findings

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. There is no evidence that the proposed development will decrease the value or be out of harmony with property in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development has been found to be in general conformity with the CBJ Comprehensive Plan.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A

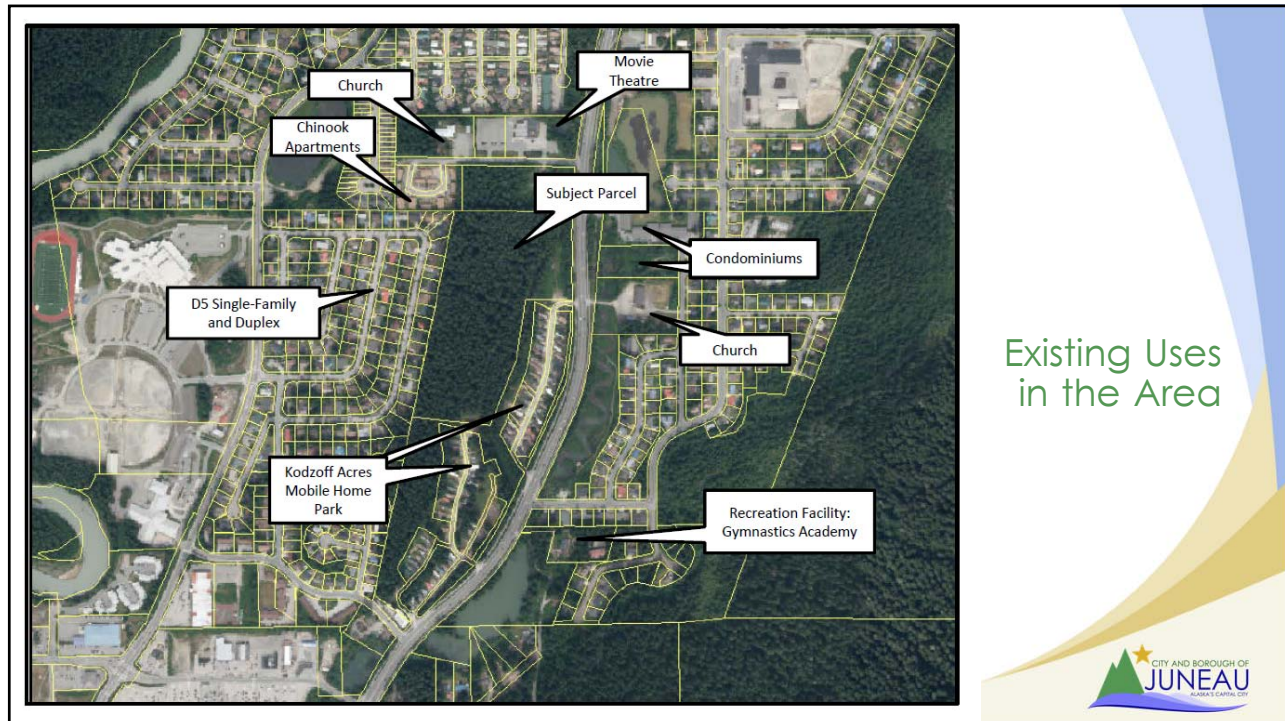


Recommendation

It is recommended that the Planning Commission adopt the director's analysis and findings and **grant the requested Conditional Use Permit**. The permit would allow the development of an approximately 5,000 square foot recreation facility. The approval is subject to the following conditions:

1. The applicant must submit a lighting plan during the building permit process for review by the Community Development Department; the lighting shall be designed, located, and installed to minimize off-site glare.
2. The applicant shall submit a parking plan during the building permit process for review by the Community Development Department; the parking plan shall include:
 - a. accessible and van-accessible parking spaces
 - b. off-street loading areas
 - c. standard parking spaces
3. The parking spaces shall be striped or wheel stops shall be placed, and spaces shall be signed with required accessible and van-accessible signage prior to the issuance of a Certificate of Occupancy.





ARCHIPELAGO APPRAISALS LLC

REAL ESTATE APPRAISALS/CONSULTANT

TIMOTHY W. RILEY, OWNER

POST OFFICE BOX 21970, JUNEAU, ALASKA 99802 PHONE NUMBER: (907)738-6667	ALASKANRILEY@GMAIL.COM
--	------------------------

May 28, 2019

To whom it may concern:

I have been asked to provide a letter of support in favor of the proposed development of the Juneau Tornados Wrestling Clubhouse. I have been advised that this clubhouse will be built on land in a corner of a parcel recently purchased by Constellation Development on the Mendenhall Loop Rd. Reportedly, the land will be leased to the Tornados at an extremely favorable rate so as to promote the continuation and expansion of their youth wrestling program.

Concerns have been noted by adjacent neighbors that this potential development might in some way impact the value of their properties. I can attest that the creation of adjacent recreational opportunities will in fact impact the properties in question. The provision of organized recreational opportunities for youth has been regularly shown to have a positive impact on surrounding property values.

I am familiar with the developer and the quality of his work and can attest that the proposed building will likely be an enhancement to the immediate neighborhood and the overall general well being of the community. I applaud this effort to create positive life changing environments and look forward to these benefits for our community's youth.

Thank you for this opportunity to be of service in this matter. If you have any questions or comments, please feel free to contact me at your convenience.

Sincerely,



Timothy Riley, AA 685
Archipelago Appraisals

Kristie Erickson
1676 Fritz Cove Rd
Juneau, Alaska 99801

May 27, 2019

Planning Commission
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Dear Commissioners:

I am writing to express my strong support for Juneau Youth Wrestling Club's application for a Conditional Use Permit to build a building in the Valley. The Club is very important in the wrestling community and serves as the feeder to the combined JDHS & TM wrestling program.

Our son Camden has been wrestling at the Juneau Youth Wrestling Club since he was 5 years old and wrestling has been a major part of our family's life since then. The wrestling program has taught my son so many important life skills such as; how to maintain his fitness, have confidence, gain mental strength, how to win and how to lose. He was one of 5 Juneau kids to win the prestigious "Triple Crown" at State in Wasilla earlier this month. Success like this is a true testament to the hard work he, his teammates, and his coaches have put in over the years.

JYWC has been very successful and has grown a lot over the years and the Club has outgrown the facilities that are available in Juneau. A few benefits of having their own building are:

- Coaches can spend more time training and less time on securing practice space
- Allows for more convenient scheduling for practices
- Provides opportunities for hosting wrestling camps
- Can service to a larger group of Juneau's youth
- Higher profile location to attract more kids to the program

For these reasons and many more, I encourage you to vote in support of Juneau Youth Wrestling Club's application without undue burden or restrictions. Thank you for supporting this exciting addition to our community.

Sincerely,



Kristie Erickson

Dear CBJ Planning Commission members,

Below, please find just a few notes of support from community members that couldn't make the meeting.

Thank you,

I am writing in support of the Juneau Youth Wrestling Club. I have had two boys come through this program in the past 10 years. It is one of the most solid, well organized, and fundamentally sound youth programs in Juneau.

The coaching staff is top notch, very qualified people who, not only teach wrestling skills, but instill confidence, courage, and determination in our kids. These are life skills.

The backbone of the program are the individuals who volunteer their time and energy to fundraise, organize tournaments, buy plane tickets, and so much more than I am probably even aware of. You don't have to be a rich kid to be part of this wrestling club. It is a program designed for all kids to participate in. It is a smooth running machine.

I understand that the club is trying to acquire/build our own gym. This needs to happen! This is a top priority. JYWC deserves the support to make this happen, it is an investment into the future of Juneau's kids.

Julie Crabtree
907.957.6201

Dear Juneau Planning Commission:

I'd like to voice my support of the JYWC in its effort to advocate for a new facility in Juneau to support youth wrestling. As the parent of two children that have participated in JYWC, I can say the coaches and staff are dedicated to the youth. My children have learned not only about physical conditioning and participating in a sport, but about sportsmanship, respect for others, the healthy importance of listening and planning ahead, but also life lessons about learning to win and lose with a level head. These lessons shape our youth for the challenges of adult life. Although I could speak at length about the current facility that JYWC is using to teach wrestling, and that it is not appropriate, thus I'd like to you to know that by obtaining a new facility it would both improve and support more wrestling in Juneau. In Juneau we have one, sometimes two wrestling teams per year, a limit set by lack of facilities. Please support their effort and allow more youth the opportunity to participate in an important sport and life activity.

With kindness,
Zachary R. Jones, Ph.D.
Juneau, Alaska

To whom it may concern;

I, Amy Ridle, fully support the Conditional Use Permit being approved for construction of the building for the Juneau Youth Wrestling Club, I look forward to seeing this project move forward.

Sincerely,
Amy Ridle
(907)723-1270

Dear CBJ Planning Commission members,

Below, please find just a few notes of support from community members that couldn't make the meeting.

Thank you,

To whom it may concern;

I, Tim Shockley, fully support the Conditional Use Permit being approved for construction of the building for the Juneau Youth Wrestling Club. My house is located very close to the proposed site and I have no problem whatsoever with the construction of the building, the preparation of the land for building, and the increase in traffic associated with it.

This is exactly the type of improvements that our community needs and I look forward to seeing it move forward.

Sincerely,
Tim Shockley
(907)321-3970

Hello

I am writing to advocate for JYWC and urge the planning commission to support the building of a new wrestling facility.

Our family has had the privilege of being a part of the Juneau wrestling community for the past 6 years. I can say without hesitation that the JYWC coaches and board members are the most dedicated group of volunteers I have ever witnessed. These folks are the backbone of a very successful youth program.

The JYWC program grows every year and will no doubt continue to attract youth from our community.

The future of Juneau Youth Wrestling is bright!

Youth wrestling is a great opportunity for our younger generation to take advantage of. We all know that winter to early spring can be a difficult time of year in Juneau with little daylight and less than great weather. Thankfully this time period coincides perfectly with the wrestling season. Another wrestling fact is that IT IS CHEAP. Other than an used pair of shoes (which JYWC provides) no other special equipment is required. No skis, no bindings, no skates, no pads, no lifeguards, etc. Because of this, most youth in our community have the ability to participate, regardless of family income. The emotional and sociological benefits of wrestling are endless, suffice to say wrestlers make great community members. By having a dedicated wrestling facility I believe JYWC will prosper. Have a dedicated space for wrestling will allow for practice times that more convenient for busy youth and families. A common space for all ages will foster mentorship between the younger and older wrestlers. A centrally located space will attract more youth as well as be an iconic facility that current wrestlers can be proud to be a part of.

To conclude, I advocate for the JYWC and strongly urge the planning commission to support a new Juneau wrestling facility. Youth wrestling has a loyal following and a bright future in Juneau. The world's oldest and greatest sport can be available to all members of our youth community regardless of income or family support. Seeing what the JYWC coaches and board have achieved without a dedicated facility, I can only imagine what is possible WITH a dedicated facility!

Thank you for your time and the opportunity to comment.

Jason Hass and family
907.586.1277

Dear CBJ Planning Commission members,

Below, please find just a few notes of support from community members that couldn't make the meeting.

Thank you,

Please support youth sports in Juneau. The JYWC is a great organization for young people in our community. It would offer a valley location for our young men and women to have healthy activities. And promotes a great sense of accomplishment. Please grant the land permit to add to our community to this well establish organization.

JoAnn Bollman-Everson

907.723.4889

I support the Juneau Youth Wrestling Club condition use permit.

~Brandon Hoff

907.229.7684

My son Jamal has been apart of JYWC since he was 6 years old, he is now 13. It's hard to put into words how the club/coaches have supported him and helped him become the person he is today. Wrestling is so much more than a sport, it builds character and teaches discipline, responsibility, and how to grow from a loss. I credit so much to the club and coaches and am excited for what the future holds, having a location of our own would be so beneficial to so many!

-Angela Boyd

+1 (907) 796-9096

I'm a wrestler for JYWC. I think this would be a perfect place for us. If we have our own spot we can make our own rules for the building. Also we could have more activities because we wouldn't have to get permission from other people first. Please sign the paper do we can build it fast! Thank you

Colton Cummins

My name is Thomas Baxter. I want to say I support the wrestling club in building a new building.

Thomas Baxter.

Dear CBJ Planning Commission members,

Below, please find just a few notes of support from community members that couldn't make the meeting.

Thank you,

We are unable to come to the meeting tonight as we have a softball game for our daughter I wanted to let you know we truly support this and are very excited for the potential of this for the JYWC and for the wrestlers it would positively impact!

My boys have been involved in many youth activities in town and have been wrestling for 3 years now. JYWC hands down has been the best youth program in Juneau that my kids have been involved in!!! The coaching and leadership staff are amazing, and truly care about all participants! My boys show up to wrestle but I know that they get much more out of being a part of JYWC than just time on the mat. Because of the JYWC volunteers our kids also learn about winning and losing gracefully, having courage and facing fears, body and health awareness and team work!

It has been difficult over the last few years having to use the gymnastics academy as our venue for practice. JYWC having their own space would just make this program even better!

I hope this idea is approved and comes to life! Our family 100 percent supports this as the program has had such a positive impact on our kids!

Thank you!

-Stephany Day

907.209.1345

JYWC is an awesome organization that provides an amazing environment for the youth of Juneau to grow and develop as athletes and members of our community. A conditional use permit would provide this group to grow and better serve the youth of Juneau and the rest of SEAK . Go Tornadoes!!!!

Jake Ritter

907.209.4563

I'm fully supportive of JYWC conditional use permit!

Sara Garcia

907.723.2166

Dear CBJ Planning Commission,

My name is Summer Baxter. I live here in Juneau with my husband and five children, aged 17 years down to an "almost five." This is my third year as secretary of JYWC. I have to be honest, I have been involved in many clubs/sports and youth activities over the years and only came on board THIS board because I was truly impressed with how it was ran and saw the heart going into all the decisions with the kids in mind.

I'm sure you are aware, but JYWC is not just another business looking to build and make money.

We are a 501 (c)(3) non-profit, which is classified as a working foundation. We were established as such, so that we can give back and we don't just adhere to the regulations of that class, we run with it. Our president, Josh Houston, and many dedicated board members before me have formed a working relationship with both middle schools to help fund their wrestling programs. Our club is the main support financially for the combined JD/TM high school wrestling program. We also support and applaud any outside fundraising that they want to tackle, all of which eases the burden on those schools.

JYWC utilizes Amazon Smile, Fred Meyer's rewards, Pick Click Give, pull-tab monies, local grants and private donations to off-set costs at the direct benefit of our athletes. Those donations go directly to the athletes in the form of uniforms, headgear, mats, help off-set travel costs, and even purchasing wrestling shoes for a lending bin. This eases the burden on families.

JYWC provides a popular activity that youth can enjoy locally & state-wide. With the building of a facility solely dedicated to wrestling, we have faith we can have local athletes recognized nationally as well. We have coaches that teach kids not only about the sport of wrestling, but what true dedication, diligence and love is like....by example. This season we had over 80 kids age Kindergarten-12th grade. 37 of those were middle and high schoolers. Those formative ages desperately need our support in becoming young adults. By voting yes tonight, you are saying yes to our efforts and our long-term goal of supporting youth wrestling in our community for years to come.

My limited understanding of D15 Zoning in Juneau show that our plans for an indoor recreational facility in Juneau are being and will continually be met. Having our own building will actually lessen the "after-hours" effect on surrounding homes, as we can set our own, more convenient daytime hours instead of schedule around an already full rental facility. The building that we propose is a low impact steel structure with high yield for families just like mine.

Again, we as a cohesive board, are asking for you to vote yes in our favor. In my mind this is a win-win for the Planning Commission and CBJ in general. We are not here asking for city funds to build, we are not seeking a hand-out. We will utilize the support of our members and majority of the community. The benefits of issuing this Conditional use Permit for the structure of our simple building will extend far beyond the walls and steel beams.

Thank you for your time,

Summer Baxter

Hi. My name is Carson Cummins and I am a part of the Juneau Youth Wrestling Club. I would like you to vote yes for three reasons.

First of all, we need a new building that actually belongs to the club and not to other groups. That way we can make our own schedules and use it as much as we want.

Secondly, we need more space because we have too many kids for the building we have been using. When too many kids are wrestling in a small space, people get hurt. Also, some kids will just quit because it is too crowded. This lot would let us put up a building that is big enough for our activities.

Thirdly, it's in a good location, close to schools (and Duck Creek) where kids hang out, close to a bus stop, and close enough for many kids to walk. It is also in a more obvious spot so some people who didn't even know about the club might see it and want more information. There's a lot of kids around the area who like to rough house. This would give them a way to do it and get recognition for being tough scrappers instead of getting in trouble.

Thank you for listening to my ideas.

Carson Cummins
Juneau Tornados
907-790-3380

Hello!

I am writing to ask for your support of this proposal from the Juneau Youth Wrestling Club. I have been a coach for Juneau Wrestling for over four decades at the High School, both Middle Schools (Floyd Dryden when it was still Junior High) and at the Wrestling Club. Last year between both Dryden and DZ we had close to 100 kids participating during the school year for wrestling. This is a sport that touches a diverse group of kids that don't always fit in the mold of other sports. It reaches a group of kids who are sometimes considered trouble makers and helps them develop the skills that make good students and citizens. At the wrestling club, if you can't afford the membership fee, we make scholarships so that EVERYONE is included.

I strongly urge you to support the conditional use permit for the Juneau Youth Wrestling Club. I think the location of this club would allow access for youth from low income families where transportation is an issue and would provide an outlet and stability to young people in the Valley. Thank you so much for taking this in to consideration.

Loren Cummins
8691 Dudley Street
790-3380

To Whom it May Concern:

I wanted to take the time to express my support for the JYWC request for a conditional use permit that would allow them to create a permanent home for the Juneau Youth Wrestling Club in the Kodzoff area. I believe this is a great location for the club as it provides easy access for kids on bicycles or on foot and is located on the bus route. The location would likely result in an increase of club members as families in the area begin to see the positive effects of the wrestling program on the development of young people in their neighborhood. Since the developers have been involved in wrestling, I am certain they will carefully consider safety issues such as lighting and adequate parking options which have been issues for the club over the past few years.

Wrestling is a unique sport that teaches discipline and self control. There is no place for blame as the wrestlers learn through their own experience "the power of one". Regardless of whether the kids ever win a match, they learn skills that can help them to win at life. We have all seen the growing effects of crime in our city. Keeping kids engaged in guided physical activity such as wrestling can help them stay out of trouble and also recognize the importance of healthy choices.

I respectfully ask for you to vote in favor of this permit so that the project can progress quickly. Thank you.

Jan Cummins
8691 Dudley Street
907-790-3380

Hi my name is Kerra Baxter.

this is my third year wrestling. It was actually my brother Thomas who introduced me to Wrestling, but I have made so many friends since.

I love the wrestling club for so many reasons! I've learned how to win AND lose gracefully. I am thankful for each and everyone of the coaches who have treated me as an equal since day one, even though I'm a girl.

My parents love this club because it's cheaper than other clubs around town and I love the club because I get to travel when I sell raffle tickets.

I sure hope you vote yes, so we can get a new building and I won't be at practice until 9:30 at night anymore. That would be awesome!

Thank you so much for your time.

CBJ Planning Commission
230 South Franklin Street
4th Floor - Marine View Center
Mail: 155 S. Seward Street
Juneau, Alaska 99801
(907) 586-0715

5-28-2019

Dear Members:

My name is Ryan Murphy and I am the Membership Director for Alaska USA Wrestling and the President of Pioneer Grappling Academy in Alaska. I am writing you this evening in support of the Juneau Tornados Wrestling club facility.

Wrestling is a sport that promotes health, confidence, independence, hard work, dedication and leadership. Wrestling is very similar to life. Our mission as leaders and coaches is to help young athletes to be strong community members when they decide to leave the sport.

There is a disconnect living in SE Alaska for opportunity based on the geographical location of Juneau. Athletes in SE don't have the same opportunities as the Athletes in Anchorage. There are USA Wrestling facilities all over the state to include Bethel, Kotzebue, Soldotna, Fairbanks, Palmer, and Anchorage.

The AUSAW Board believes that a facility in SE Alaska will level the playing field for athletes in SE Alaska to help compete at a National level. This year alone we have had over 20 Alaskans accept scholarships to compete in NCAA for Wrestling. I am very hopeful that these young leaders will come back and support our community's future.

Thank you for taking the time to listen and feel free to call me if you have any questions

Sincerely,

Ryan Murphy

Ryan Murphy
AUSAW Membership Director
907-723-1234

NEW FACILITY FOR JUNEAU YOUTH WRESTLING CLUB

We'd first like to start off by thanking you for taking the time to read our letter in support of the new wrestling facility being built. Our son has been wrestling with the Tornados since he was 5 years old. Sage is now, 12, and has at least another 6 years before he moves on to college. Our other son just started wrestling this year and is ready for another 10 years. The club is currently renting from the SE Gymnastics Academy and it can get so busy and dangerous going in and out of the academy. It is a single, dark, long driveway with no room on either side. In the winter time this can be dangerous, especially with multi practices going on. There is a lot of car activity with a lot of kids running to the cars to be picked up. A little stressful to be honest. When we heard that a new facility was a possibility at the proposed location, we were so excited. The location is centrally located in the valley and quite truthfully, we believe this could reduce drug activity in our town. When there is positive youth activity in a possible zone for drug activity, the drugs will be squeezed out. The wrestling club is strong and is so restricted on what they can do at the current location. There is such a good turnout of little guys & gals wanting to try out wrestling and it's time to build a facility of their own. We feel these are some strong points of reason to build their own:

- No more renting space
- Being able to have own practice schedule, not what is available.
- Being able to host camps.
- Have a strong layout of a club. Weight room, showers, storage for their equipment, etc...
- Safe entrance and exit to and from the facility with a lighted parking lot.

We've made our point and hope everyone can see this new facility would be 100% positive for the community and the club.

Thank you very much,

The Schultz family

Riley J.

Sage
Schultz

Mark Getty

Anna Schultz

Tanner SCHULTZ

KODZOFF ACRES, LLC
d/b/a Kodzoff Acres Mobile Home Park

P.O. Box 33200, Juneau, Alaska 99803
Telephone: (907) 789-5154 Facsimile: (907) 789-5117

May 28, 2019

City & Borough of Juneau
Planning Commission
Community Development Department
230 South Franklin Street, 4th Floor
Juneau, Alaska 99801

Re: Juneau Condo LLC
Application - Conditional Use Permit
Case No. USE2019-001

Dear Commissioners:

We request the following action in connection with the above referenced matter:

- A. Find that the Conditional Use Permit application and supporting materials are incomplete;
- B. Find the subsequent analysis and recommendations are incomplete, not well reasoned and do not provide a sufficient factual basis for the proposed recommendations;
- C. Find the current record is insufficient for an informed Commission final determination regarding this Conditional Use Permit; and
- D. Direct staff to request additional information from the applicant, conduct a thorough analysis with the benefit of comments from all agencies and the public, and then re-notice this matter for a public hearing at an appropriate time in the future. The specific issues and omissions to be addressed are:
 1. Proposed physical boundaries of this Conditional Use Permit and any other development intended at this site within those proposed boundaries.
 2. Identify the legal entity that will control the proposed physical boundaries of this Conditional Use Permit once the site is developed and document its legal authority to do so.

3. A clear, detailed and complete statement of all proposed indoor and outdoor activities which will be conducted in this facility once completed and considered allowable uses under this conditional use permit.
4. Complete floor plans for all levels in this proposed building, including the second level mezzanine for use to generate actual as opposed to speculative capacity calculations.
5. Elevation plans from all views of the site, showing proposed building and roadways and any adjacent structures presently proposed or planned for the future.
6. Plans that accurately depict the physical features of the site, including topography, drainage, habitat and hazard areas (FEMA 2017 FIRM as proposed by the applicant) and adjacent structures such as US Postal Service mailboxes and the actual physical location of the boundaries of Duck Creek floodway.
7. Plan of existing and proposed vegetation with location, area, height and type of planting.
8. Traffic circulation plan including proposed vehicle circulation from MLR and future access alternatives to the remainder of the parcel.
9. Plan of existing and proposed lighting, including cut sheets for each type of lighting.

Thank you for your consideration of our concerns/.

Best regards

KODZOFF ACRES LLC


Chuck Cohen
Managing Members.



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: May 29, 2019
Case No.: USE2019 0013

Juneau Condos LLC
ATTN: Travis Arndt
10840 Lilac Drive
Juneau, AK 99801

Proposal: A Conditional Use Permit for a 5,000 square foot indoor recreation facility

Property Address: Mendenhall Loop Road

Legal Description: USS 1053 TR A2

Parcel Code No.: 5B2101030001

Hearing Date: May 28, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 16, 2019, and approved the Conditional Use Permit for a 5,000 square foot indoor recreation facility to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant must submit a lighting plan during the building permit process for review by the Community Development Department; the lighting shall be designed, located, and installed to minimize off-site glare.
2. The applicant shall submit a parking plan during the building permit process for review by the Community Development Department. The parking plan shall include:
 - a. Accessible and van-accessible parking spaces;
 - b. Off-street loading areas; and
 - c. Standard parking spaces

Juneau Condos LLC
Case No.: USE2019 0013
May 29, 2019
Page 2 of 2

3. The parking spaces shall be striped, or wheel stops shall be placed, and spaces shall be signed with required accessible and van-accessible signage prior to the issuance of a Certificate of Occupancy.

Attachments: May 16, 2019, memorandum from Laurel Christian, Community Development, to the CBJ Planning Commission regarding USE2019 0013.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

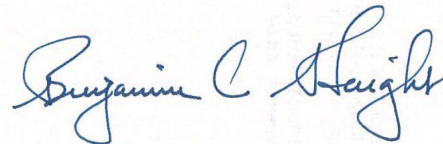
Effective Date: The permit is effective upon approval by the Commission, May 28, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or November 28, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

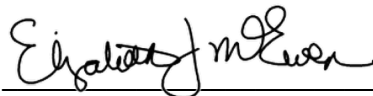
Project Planner:



Laurel Christian, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

5/31/2019

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 24, 2019

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the 'FROM' line of the letter.

FILE NO.: CSP2018 0012

PROPOSAL: Planning Commission review of Fiscal Year 2020 Capital Improvement Program.

ATTACHMENTS

Attachment A – FY2020 Capital Improvement Program project list – Resolution 2845(c)
Attachment B – November 15, 2017 Memorandum from Planning Commission to CBJ Public Works and Facilities Committee re: Fiscal Year 2020-2025 Capital Improvement Program

INTRODUCTION

The City and Borough of Juneau prepares a revised Six-year Capital Improvement Program (CIP) each year. The CIP guides the investment of public funds for maintenance, repair, construction, and acquisition of public infrastructure, facilities, and equipment. The CIP is presented to the Assembly in April, along with the draft fiscal year (FY) budget, and includes the City Manager's recommended project priorities for FY 2020.

The Land Use Code establishes the role of the Planning Commission in the CIP process under CBJ 49.10.170 which states:

49.10.170(b) Review of the Capital Improvements Program. Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the Assembly.

The purpose of the Planning Commission review is to ensure the CIP is consistent with the goals of the Comprehensive Plan.

Planning Commission
File No.: CSP2018 0012
May 24, 2019
Page 2 of 15

During the Director's Report at the October 23, 2018, Regular Planning Commission meeting, the Commission was asked to review and provide early input into the CBJ CIP. The Commission decided to allow the Chair to form a sub-committee to write a draft memorandum on the topic. On November 7, 2018, four members of the Commission met at a special meeting to draft a memorandum regarding the Planning Commission's recommendations for the CBJ CIP. The Commissioners present were Mr. Haight, Mr. Voelckers, Mr. LeVine, and Mr. Campbell. Steve Behnke from the Juneau Commission on Sustainability (an Assembly-appointed commission) and Planner Tim Felstead were also present.

At a Committee of the Whole meeting on November 13, 2018, the Commission had a discussion with the Director of CBJ Engineering and Public Works, Mike Vigue, on the CIP process. Attached is a memorandum from the Commission sent to Mr. Vigue.

As a new part of the Planning Commission review process, Mr. Vigue came back to the Commission on February 19, 2019 when the draft CIP list for FY2020 was first presented to the Assembly Public Works and Facilities Committee. This was an opportunity to discuss how the Commission's recommendations have been addressed and for public input into the draft CIP. It is also worth noting that other committees and boards also provide opportunity for the public to comment on some department's CIP projects (e.g. Parks and Recreation Advisory Committee, Docks and Harbors Board).

The Planning Commission identified four broad categories of potential capital improvements that are relevant to its review authority:

- Housing;
- Community Vitality;
- Transportation; and
- Sustainability

ORGANIZATION OF THE CIP

The CIP list offers important information for the various capital improvement projects recommended for funding in FY2020 and planned for future years through FY2025. This memorandum addresses the FY2020 CIP list as presented as a near final draft to the Assembly Finance Committee in May 2019 (see Resolution 2845(c) in Attachment A). The final version being passed to the Assembly (Resolution 2845(d)) for approval was not available at the time of writing this memorandum. Staff understands this latter memorandum has no significant changes from the version reviewed here.

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May 24, 2019
Page 3 of 15

The City Manager recommends CIP priorities to the Assembly according to the following criteria:

Support. Are the projects a high priority of the Department or Committee proposing it, as well as the general public?

Consistency. Are the projects consistent with applicable CBJ plans or policies?

Health and Safety. Will the improvement address an imminent or expected threat or danger to users or occupants?

Maintenance or Repair of Existing Property. Will the projects prevent further deterioration or damage to property?

Local Match for Federal/State Grants. Are funds required to match federal or state capital project funds?

Maintenance Impact. Will the improvement or projects increase efficiency and reduce on-going operating costs?

Economic Development Stimulus. Will the improvement directly or indirectly stimulate beneficial economic development in the community?

Anticipated Need. Will the projects enhance or expand an existing facility or service to accommodate increased public use?

Recreational. Will the projects establish, enhance or expand a facility or service to accommodate new or increase public use?

Funding Alternatives. Will there be funding alternatives explored for each project?

The Draft FY2020 resolution is organized into sections that are summarized below.

FY2020 General Sales Tax Improvements: Includes projects that were funded under a five year, voter-approved, 1% temporary sales tax. Funds must be split 1% for police, fire, street maintenance, snow removal, EMT/ambulance services, parks and recreation, libraries and other general purposes; 1% for roads, drainage, retaining walls, sidewalks, stairs, and other capital projects; and 1% for water and sewer system extensions, an emergency budget reserve, youth activities, and other general public services.

FY2020 Area Wide Sales Tax Improvements: The table lists the specific projects recommended for funding under area wide sales tax and the amount of funding provided to each improvement in FY2020.

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Temporary 1% Sales Tax Improvements: A voter-approved, temporary 1% sales tax, effective October 1, 2013, through September 30, 2018, was more recently approved again effective October 1, 2018 through September 30, 2023. This section of the CIP lists the capital improvements the Manager is recommending to be funded under this temporary tax in FY2020.

FY2020 Marine Passenger Fees: Includes the projects funded by the voter-approved, five-dollars-per-passenger tax for cruise ship passengers. The charges are appropriated to address the impacts caused by the marine passenger ship industry. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this tax and the amount of funding provided to each improvement in FY2020.

FY2020 State Marine Passenger Fees: Five dollars per passenger comes from Alaska's cruise ship passenger fee, passed by a citizens' initiative in 2008 and revised in 2010. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this program and the amount of funding provided to each improvement in FY2020.

FY2020 Water Enterprise Fund: This fund was established to account for the CBJ's water utility operations. The CBJ's water utility provides potable water for the majority of the City and Borough residents residing within the roaded service area. The water utility is largely self-supported through user service fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Water Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY2020 Wastewater Enterprise Fund: This fund was established to account for the activities of the CBJ's wastewater treatment operations. The sewer utility provides for wastewater treatment facilities for most of the populated roaded areas. The sewer utility fund is largely supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Sewer Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY 2020 Harbors Enterprise Fund: This fund was established to account for the activities of CBJ's Docks and Harbors. The Docks and Harbors Department exists to plan, develop, and manage CBJ's marine-related property and facilities. To this end, the Board develops and provides services to promote and accommodate marine related commerce, industry, fisheries, recreation, and visitors. The Docks and Harbors enterprise fund is financially supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Docks and Harbors Enterprise Fund and the amount of funding provided to each improvement in FY2020.

FY2020 Lands Fund: Land Fund into which most of the revenues from the sale or lease of land are to be deposited (except for properties of enterprise funds such as the Airport or Docks and Harbors). The Lands Fund is intended to provide revenue required for the subdivision, development, and disposal of CBJ lands as well as other costs of managing CBJ property. Additionally, the Land Fund is the source of money used to acquire properties needed for public

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purposes which are not funded by an enterprise account or CIP account. This section of the CIP identifies the capital improvement recommend by the City Manager to be funded by the Lands Fund and the amount of funding in FY2020.

Unscheduled Funding: Furthermore, there are three categories of “unscheduled” funding. Unscheduled requests are appropriations from enterprise entities (water, sewer, Bartlett Hospital, Airport, Eaglecrest etc.) that do not happen as part of the CIP, but are identified as priorities that are proposed to be undertaken beginning FY2019 and are dependent on other unsecured funding sources. As sources are secured, requests to appropriate them to the projects will be made.

CONSISTENCY WITH 2013 CBJ COMPREHENSIVE PLAN

The CIP fulfills several purposes. It is a planning document that organizes and schedules projects and activities. It is a statement of budgetary policy that directs funds toward priorities. It is an investment guide that portrays the physical infrastructure and other improvements that support commerce and community.

The Comprehensive Plan addresses capital improvements in Chapter 18, *Implementation and Administration*. Standard Operating Procedure 18.1 SOP1 states:

Evaluate all ordinances, plans, capital improvement and public programs to ensure their consistency with the Comprehensive Plan. For specific land use or permit applications, require the applicant, whether a public agency or a private property owner, to demonstrate compliance to each applicable policy or provide evidence why an exception to a policy is warranted. Incorporate statements regarding compliance/non-compliance with Policies into findings of fact that provide the legal basis for determining approval or disapproval of a development application. (Emphasis added.)

Policy 18.6 states:

To develop a six-year capital improvement program to implement the Comprehensive Plan by coordinating urban services, land use decisions, and financial resources and to provide adequate funding for capital improvements to ensure the policies, standard operating procedures, development guidelines, implementing actions and subarea guidelines of the Comprehensive Plan are implemented.

Further Implementing Actions:

18.6 SOP1 states:

Prepare an annual Six-year Capital Improvement Program. Request that CBJ departments, the public, and policy bodies nominate potential capital improvement projects from a

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variety of sources including the Comprehensive Plan and suggestions of resident and special interest groups, CBJ officials, advisory commissions and others.

18.6 SOP2 states:

CDD staff will analyze each CIP project list for conformity with the Comprehensive Plan.

It is this last implementing action that is the focus of this review. The purpose is to determine if the proposed projects of the FY2020 CIP support the policies and implementing actions of the Comprehensive Plan.

Comprehensive Plan policies and implementing actions that support the FY2020 CIP list are:

Policy 2.1 Sustainability

To build a sustainable community that endures over generations, and is sufficiently farseeing and flexible to maintain the vital and robust nature of its economic, social, and environmental support systems.

Policy 2.2 Sustainability

To model sustainability through its operations, practices, and projects.

Policy 4.1 Housing

To facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents.

Policy 4.5 Provision of Public Facilities

To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas of the CBJ.

Policy 5.1 Economic Development

To develop and sustain a diverse economy, providing opportunities for employment for all residents.

Policy 5.2 Downtown Juneau

Through a cooperative effort with the State of Alaska, to plan for and support development of an attractive setting, facilities, and other services to enhance the State Capitol, and strive to provide an atmosphere conducive to good leadership in the State, accessible to and supportive of all people of the State of Alaska.

Policy 5.3 Downtown Juneau

To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and

entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.

Implementing Action 5.3.IA3 (in part): *Facilitate the pedestrian usage of Downtown physical improvements, Land Use Code amendments or other programs or initiatives which could include: B. Extend the waterfront seawalk.*

Policy 5.5. Downtown Juneau

To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.

Policy 5.6 Tourism and Visitors

To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural and cultural attractions for local citizens and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.

Implementing Action 5.6IA3: *Work with representatives from the cruise line industry, private developers, Juneau Convention and Visitors Bureau, and other tourism-related businesses to plan and develop additional or improved moorage and berthing facilities, including additional lightering and short-term moorage facilities.*

Standard Operating Procedure 5.6.SOP4: *Support Eaglecrest as a regional recreation and tourist facility.*

Policy 5.9 Port Facilities

To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities.

Policy 5.14 Seafood Industry and Commercial Fishing

To support the development and expansion of the seafood industry and of services and facilities that benefit commercial fishing activity and to attract and retain harvesters, processors, and sustainable aquaculture activities in Juneau.

Policy 6.4

To provide cost-effective and energy efficient facilities, systems and infrastructure that strengthens Juneau's role as the State Capital.

Policy 6.5 Energy Efficiency

To incorporate technologies and operating practices that will promote efficient and cost effective energy use into all of its new and existing buildings and energy-using projects.

Standard Operating Procedure 6.5SOP1: *Replace inefficient street lighting and lighting in CBJ buildings and facilities upon replacement cycle.*

Implementing Action 6.5-IA5: *Continue to incorporate LEED-Juneau principles and standards when designing public structures and facilities, with appropriate fuel cost sensitivity analyses over the long term life of the Project.*

Implementing Action 6.5-IA6: *When designing new facilities or major renovation of CBJ-owned facilities, analyze life-cycle costs of energy applications, and use that analysis to guide future development.*

Implementing Action 6.5-IA7: *Analyze the workings of the CBJ water and wastewater facilities and incorporate energy saving methods and technologies where appropriate.*

Policy 6.6. Increased Share of Renewable Energy

To maximize the ratio of local, renewable-source energy to imported fossil-source energy in Juneau's internal energy economy.

Policy 6.10 Energy Efficient Buildings

To encourage cost effective, energy efficient building and remodeling practices.

Policy 6.11 Energy Use

To encourage industrial and commercial users to be as efficient as possible in their use of energy; to use renewable energy sources and to make energy by-products available for use elsewhere in the community.

Policy 7.3 Riparian Habitat

To protect riparian habitat, including stream corridors and lake shorelines, from adverse effects of development and to provide a higher level of protection for non-urban shorelines in public ownership.

Policy 7.7 Water Quality

To protect, maintain and improve surface water, groundwater and marine water quality in its jurisdiction so that all waters are in compliance with federal and state water quality standards and continue to allow aquatic life to thrive.

Policy 7.9 Air Quality

To continue educational programs, capital improvement projects, and regulatory measures to protect and improve air quality.

Policy 7.16 Gravel Resources

To conserve and protect known gravel deposits and to protect them from conflicting land uses.

Policy 8.1 Airport

To promote and support aviation safety; to develop and maintain airport facilities meeting the aviation transportation needs for the CBJ, its residents, visitors, and commerce; and to work with the public and private sectors to facilitate commerce, economic development, and access to Alaska's capital city.

Policy 8.3 Marine Transport

To promote and facilitate marine transport systems and to provide facilities to transport cargo, vehicles, and passenger transportation, commercial fishing industries, and recreational water travel.

Policy 8.4 Regional Transportation System

To support the improvement of transportation facilities and systems that reinforce Juneau's role as the capital city of Alaska, and a regional transportation and service center.

Policy 8.5 Local Transportation System

To promote a balanced, well-integrated local multi-modal surface transportation system that provides safe, convenient and energy-efficient access and transport for people and commodities.

Standard Operating Procedure 8.5-SOP1: *Provide a safe, convenient, reliable and low-cost public transit and rapid transit system within the Urban Service Area to ensure that within that area, everyone has the ability to access work, school, services, shopping and leisure activities by public transit, with stops located so as to be within ½ mile of each other along routes.*

Implementing Action 8.5 – IA6: *To reduce the demand for land-consuming parking spaces, reduce use of fossil fuels, and encourage the use of public transit, the CBJ*

government and community should urge downtown federal, state, and local government agencies, as well as private-sector employees to participate in a Coordinated Downtown Transportation Management Program managed by CBJ staff or a third party. The program could include, but would not be limited to, the following features:

D. Convenient and free parking for car- and van-pool vehicles, preferential parking for car-sharing, electric, hybrid and other alternate fuel-powered or multiple-user vehicles;

E. Instituting residential parking programs to discourage commuting motorists from long-term on-street parking in residential neighborhoods;

F. Satellite parking within shuttle distance to major destinations in downtown Juneau;

G. Working with the State of Alaska to allow off-hour parking in state employee parking facilities and lots to ease evening and weekend event parking congestion;

H. Increasing parking enforcement, as nearly all of these parking-related actions require enforcement or they will be of minimal utility;

Policy 8.6 Alternative Transportation

To promote and facilitate transportation alternatives to private vehicles as a means of reducing congestion and air pollution and the consumption of fossil fuels, and to provide safe, and healthy means of transportation to all people.

Development Guideline 8.6.DG1: *Require sidewalks and bicycle paths or lanes along existing or newly constructed arterial and collector streets where appropriate, and provide or work with DOT to provide such amenities along existing roads to provide safe and healthy means of transportation to all people.*

Policy 9.1 Parks and Recreation

To provide quality dispersed outdoor recreational opportunities; and to acquire and develop sufficient local parks and recreational facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas which lack adequate parks and recreation facilities.

Standard Operating Procedure 9.1SOP3: *Pursue funding for acquisition and development of parks and recreation facilities through traditional funding mechanisms such as the CBJ Capital Improvements Program, State Legislative process,*

and Federal funding opportunities; maximize the use of federal and state matching funds; investigate creative and innovative funding mechanisms for the acquisition and development of parks, facilities, trails, and programs; explore cooperative management agreements, joint ventures, private/public partnerships or other protocols to facilitate progress.

Policy 9.2 Parks and Recreation

To develop and maintain an interconnected non-motorized trail system that is complementary with, and may be contiguous with, unfragmented fish and wildlife corridors along anadromous fish streams within the roaded area that provides fish and wildlife and human access to the sea from the uplands.

Policy 12.1 Public Facilities

To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas within the urban service area.

Policy 12.2 Public Facilities

To extend public water, sewer and storm drainage, and earth retention facilities to all areas within the urban service area.

Policy 12.4 Public Facilities

To facilitate the reduction of waste materials generated and disposed by households and businesses through promotion of an aggressive solid waste diversion and program including activities facilitating waste prevention, reuse and recycling.

Policy 12.5 Public Facilities

To promote efficient, safe, convenient, cost-effective and environmentally sound methods for the disposal of solid and hazardous waste.

Policy 13.1 Police Protection

To provide adequate and efficient police protection for the community.

Policy 13.2 Fire Protection and Emergency Services

To provide adequate and efficient fire protection and field emergency medical care for all. It is further the policy of the CBJ to maintain an incident response organization to effectively respond to large scale events and disasters.

Policy 13.3 Medical Services

To promote quality medical and social services in the CBJ to ensure the safety, health, well-being and self-sufficiency of its residents.

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Policy 14.1 Schools

To provide a strong system of high quality public education to enable all students to become well educated, informed residents who understand and appreciate diverse cultures and who are equipped to pursue further education and compete successfully in the work force.

Policy 17.2 CBJ Land Disposal

To hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.

The projects in the CIP can be linked to policies in the Comprehensive Plan, and the CIP can be characterized as a tool that aids in implementing the plan. The table below only evaluates projects that have funding requested for FY2020. The fifth column was added with the purpose of showing which of the broad categories established by the Commission the project fits.

DEPARTMENT	Division	Priority	Project	Consistency with Comp Plan	PC Category
Administration	Manager's Office	1	Enterprise Computer System Upgrade	Policy NA	N/A
		3	Eaglecrest Financial Sustainability Plan	Policy 5.6, 9.1	Community vitality
		8	JPD Facility Security Upgrades	Policy 13.1	Community vitality
		9	Hagevig Training Center Improvements	Policy 13.2	Community vitality
		4	Juneau Renewable Energy Strategy (JRES) Implementation	Policy 6.10, 6.11, 7.9	Sustainability
		1	IT - Infrastructure Upgrades	Policy NA	N/A
		2	Affordable Housing Fund	Policy 4.1, 4.2	Housing
		5	Senior Housing Land	Policy 4.6	Housing
		6	State Parking	Policy 5.2, 5.5	Transportation
		7	City Hall	Policy 5.3, 12.1	Community vitality

Airport		1	Departure Lounge Secured Exit Lane	Policy 8.1, 8.4	Transportation
		2	Taxiway A Rehabilitation	Policy 8.1, 8.4	Transportation
		3	Taxiway E Realignment (Geometry)	Policy 8.1, 8.4	Transportation
		4	Taxiway D-1 Relocation (RIM)	Policy 8.1, 8.4	Transportation
		5	26 MALSR (FAA F&E Project)	Policy 8.1, 8.4	Transportation
		6	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	Policy 8.1, 8.4	Transportation
BRH		1	Hospital Drive Paving - Admin to Juneau Med Center	Policy 12.1, 13.3	Transportation
		2	Crises Stabilization	Policy 13.3	Housing

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DEPARTMENT	Division	Priority	Project	Consistency with Comp Plan	PC Category
Docks & Harbors	Docks		Seawalk Major Maintenance	Policy 5.6, 5.9, 9.1	Transportation
			Seawalk Permitting/Planning/Design	Policy 5.6, 5.9, 9.1	Transportation
			Security Checkpoint Queuing Structure Phase II	Policy 9.1	Transportation
			Large Berth Shore Power Preliminary Design & Cost Estimate	Policy 6.6, 7.9	Transportation
			Statter Harbor	Policy 5.6	Transportation

Docks & Harbors	Harbors	1	ADOT Grant - Aurora Harbor Rebuild - Phase III	Policy 8.3	Transportation
		2	ADOT Grant - Anode Installation - Harris Harbor	Policy 8.3	Transportation
		4	ACOE Grant - Statter Breakwater Feasibility	Policy 8.3	Transportation
		2	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	Policy 8.3	Transportation
			Amalga Harbor Infrastructure	Policy 8.3	Transportation

Eaglecrest		1	Deferred Maintenance /Mountain Operations Improvements	Policy 5.6, 9.1	Community vitality
		2	Magic Carpet Grant Funding	Policy 5.6, 9.1	Community vitality

Lands & Resources		1	Pederson Hill Subdivision	Policy 4.1, 4.5, 4.6, 17.2	Housing
		1	Pederson Hill Phase II	Policy 4.1, 4.5, 4.6, 17.2	Housing
		2	West Douglas Pioneer Road Extension	Policy 3.4	Transportation
		3	Pits and Quarries Infrastructure Maintenance and Expansion	Policy 7.16	Community vitality

Parks & Recreation	Bldg Maintenance	1	Deferred Building Maintenance	Policy 6.5, 6.10, 9.1	Community vitality
	Park/Rec Areas	1	Park & Playground Deferred Maintenance and Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	1	Parks and Playgrounds Improvements and Deferred Maintenance	Policy 9.1	Community vitality
	Park/Rec Areas	2	Sports Field Resurfacing & Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	3	Capital School Park Repairs and Playground Replacement	Policy 9.1	Community vitality
	Park/Rec Areas	5	Amalga Meadows Public Use Cabin Grant Request JCF	Policy 9.1	Community vitality
	Park/Rec Areas	5	Amalga Meadows Public Use Cabin Grant Request Rasmussen	Policy 9.1	Community vitality
	Park/Rec Areas		Augustus Brown Pool Deferred Maintenance	Policy 9.1	Community vitality
	Park/Rec Areas		Chicken Yard Park	Policy 9.1	Community vitality
	Trail Maintenance	1	Trail Maintenance	Policy 9.1, 9.2	Community vitality
	Bldg Maintenance	1	Deferred Building Maintenance	Policy 6.5, 6.10, 9.1	Community vitality
	Park/Rec Areas	1	Park & Playground Deferred Maintenance and Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	1	Parks and Playgrounds Improvements and Deferred Maintenance	Policy 9.1	Community vitality

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	Park/Rec Areas	2	Sports Field Resurfacing & Repairs	Policy 9.1	Community vitality
	Park/Rec Areas	3	Capital School Park Repairs and Playground Replacement	Policy 9.1	Community vitality

Public Works and Engineering Department					
	Capital Transit	1	Bus Shelters Improvements	Policy 8.5, 8.6	Transportation
	Capital Transit	2	Design Power Upgrades for Electric Buses	Policy 6.6, 8.5, 8.6	Transportation
	Capital Transit	3	Construction of Valley Transit Center - Grant Match	Policy 8.5, 8.6	Transportation
	Engineering	1	EV (Electric Vehicle) Charging Infrastructure	Policy 6.6, 7.9	Sustainability
	Engineering	2	Contaminated Sites Reporting	Policy 7.7	Sustainability
	Recycleworks	1	Waste - RecycleWorks Waste Diversion Program	Policy 12.4, 12.5, 12.6, 12.8	Sustainability
	Street Maintenance	1	Pavement Management	Policy 7.9, 12.1	Transportation
	Street Maintenance	2	Sidewalk & Stairway Repairs	Policy 8.6	Transportation
	Street Maintenance	3	Areawide Drainage Improvements	Policy 7.7, 12.2	Sustainability
	Street Maintenance	4	Security System at 7 Mile Shop Yard	Policy NA	N/A
	Street Maintenance	5	Capital Avenue Willoughby to Ninth	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	6	Hospital Drive	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	7	Calhoun Ave Main to Gold Creek Phase I	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	8	Mendenhall Boulevard - Poplar to Columbia	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	9	Savikko Road	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	10	Aspen Avenue (Mendenhall to Taku)	Policy 7.7, 8.6, 12.1	Transportation
	Street Maintenance	11	River Road Paving LID	Policy 7.7, 7.9, 8.6, 12.1	Transportation
	Street Maintenance	12	Gold Creek Flume Repairs	Policy 9.1, 12.1, 12.3	Community vitality
	Wastewater Utility	1	Mendenhall Treatment Plant (MWWTP) Pretreatment Improvements	Policy 12.1	Community vitality
	Wastewater Utility	2	MWWTP Basin Recirculation Pump Replacements	Policy 12.1	Community vitality
	Wastewater Utility	3	Auke Bay Treatment Plant (ABTP) Tank Repairs	Policy 12.1	Community vitality
	Wastewater Utility	4	WW system SCADA Improvements	Policy 12.1	Community vitality
	Wastewater Utility	5	Collection System Pump Station Upgrades	Policy 12.1	Community vitality
	Wastewater Utility	6	Lift Station Upgrades / Outer Drive & W Juneau Improvements	Policy 12.1	Community vitality
	Wastewater Utility	7	ABTP Disinfection Upgrades	Policy 12.1	Community vitality
	Wastewater Utility	8	ABTP Generator / Backup Power	Policy 12.1	Community vitality
	Wastewater Utility	9	Delta Drive Collection System Improvements (Street Recon)	Policy 12.1	Community vitality
	Wastewater Utility	10	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	Policy 12.1	Community vitality
	Wastewater Utility	11	River Road Paving LID - Utility Adjustments & Improvements	Policy 12.1	Transportation
	Wastewater Utility	12	Hospital Drive Sewer Improvements (Street Recon)	Policy 12.1	Transportation

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	Wastewater Utility	13	Pavement Management Utility Adjustments	Policy 12.1	Transportation
	Wastewater Utility	14	ADOT Project Utility Adjustments	Policy 12.1	Transportation
	Water Utility	1	Douglas Hwy Water System replacement - David St. to I St.	Policy 12.1	Transportation
	Water Utility	2	Cedar Park Pump Station Backup Generator and Tank Removal	Policy 12.1	Community vitality
	Water Utility	3	Hospital Drive Waterline Replacement (Street Recon)	Policy 12.1	Transportation
	Water Utility	4	Savikko Road Waterline Replacement (Street Recon)	Policy 12.1	Transportation
	Water Utility	5	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	Policy 12.1	Transportation
	Water Utility	6	Capital Ave Water System (Willoughby to Ninth) Street Recon	Policy 12.1	Transportation
	Water Utility	7	Areawide Water Repairs / Minor Replacements	Policy 12.1	Community vitality

Schools		1	JSD Buildings Major Maintenance / Match	Policy 14.1	Community vitality
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FINDINGS

Do the CIP projects listed for funding in the FY2020 conform to the policies of the Juneau Comprehensive Plan?

Projects proposed for funding in FY2020 conform to the policies of the Comprehensive Plan.

RECOMMENDATION

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2020 as listed in Resolution 2845(c) conform to the policies of the Juneau Comprehensive Plan.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2845(c)

A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2020 through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2020 through Fiscal Year 2025, and has determined the capital improvement project priorities for Fiscal Year 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Capital Improvement Program.

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," dated June 1, 2019, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020 - 2025," are pending capital improvement projects to be undertaken in FY20:

FISCAL YEAR 2020		
GENERAL SALES TAX IMPROVEMENTS		
DEPARTMENT	PROJECT	FY20 BUDGET
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 230,000
Manager's Office	Eaglecrest Financial Sustainability Plan	50,000
Manager's Office	JPD Facility Security Upgrades	150,000
Manager's Office	Hagevig Training Center Improvements	100,000
Parks & Recreation	Deferred Building Maintenance	370,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	275,000
Parks & Recreation	Sports Field Resurfacing & Repairs	100,000
Parks & Recreation	Trail Maintenance	100,000
Parks & Recreation	Chicken Yard Park	125,000
General Sales Tax Improvements Total		\$ 1,500,000

FISCAL YEAR 2020

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AREAWIDE STREET SALES TAX PRIORITIES

DEPARTMENT	PROJECT	FY20 BUDGET
Street Maintenance	Pavement Management	\$ 900,000
Street Maintenance	Sidewalk & Stairway Repairs	250,000
Street Maintenance	Areawide Drainage Improvements	250,000
Street Maintenance	Security System at 7 Mile Shop Yard	150,000
Street Maintenance	Capital Avenue Willoughby to Ninth	600,000
Street Maintenance	Hospital Drive	800,000
Street Maintenance	Calhoun Ave Main to Gold Creek Phase I	1,100,000
Street Maintenance	Mendenhall Boulevard - Poplar to Columbia	600,000
Street Maintenance	Savikko Road	650,000
Street Maintenance	Aspen Avenue (Mendenhall to Taku)	1,100,000
Street Maintenance	River Road Paving LID	2,100,000
Street Maintenance	Gold Creek Flume Repairs	400,000
Capital Transit	Bus Shelters Improvements	50,000
Capital Transit	Design Power Upgrades for Electric Buses	150,000
Capital Transit	Construction of Valley Transit Center - Grant Match	100,000
Engineering	EV (Electric Vehicle) Charging Infrastructure	50,000
Engineering	Contaminated Sites Reporting	100,000
Manager's Office	Juneau Renewable Energy Strategy (JRES) Implementation	250,000
Areawide Street Sales Tax Priorities Total		\$ 9,600,000

FISCAL YEAR 2020

TEMPORARY 1% SALES TAX PRIORITIES

Voter Approved Sales Tax 10/01/18 - 09/30/23

DEPARTMENT	PROJECT	FY20 BUDGET
Manager's Office	IT - Infrastructure Upgrades	\$ 200,000
Debt Service	Enterprise Computer System Upgrade	200,000 *
Manager's Office	Affordable Housing Fund	400,000 *
Wastewater Utility	Mendenhall Treatment Plant (MWWTP) Pretreatment Impvmts	1,000,000
Wastewater Utility	MWWTP Basin Recirculation Pump Replacements	1,500,000
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	100,000
Water Utility	Douglas Hwy Water System replacement - David St. to I St.	1,000,000
Parks & Recreation	Deferred Building Maintenance	700,000
Parks & Recreation	Capital School Park Repairs and Playground Replacement	250,000
Parks & Recreation	Parks and Playgrounds Improvements and Deferred Maint	250,000
Parks & Recreation	Augustus Brown Pool Deferred Maintenance	1,700,000
School District	JSD Buildings Major Maintenance / Match	1,000,000
Public Works	Waste - RecycleWorks Waste Diversion Program	400,000 *
Temporary 1% Sales Tax Priorities Total		\$ 8,700,000

* Operating Budget Funding

FISCAL YEAR 2020

MARINE PASSENGER FEE PRIORITIES

DEPARTMENT	PROJECT	FY20 BUDGET
Docks	Seawalk Major Maintenance	\$ 85,000
Port of Juneau	Seawalk Major Maintenance	\$ 85,000
Docks	Seawalk Permitting/Planning/Design	46,100
Port of Juneau	Seawalk Permitting/Planning/Design	46,100
Docks	Security Checkpoint Queuing Structure Phase II	200,000
Port of Juneau	Security Checkpoint Queuing Structure Phase II	200,000
Docks	Large Berth Shore Power Preliminary Design & Cost Estim	300,000
Docks	Large Berth Shore Power Feasibility/System Impact Analysis	250,000
Engineering	Large Berth Shore Power Feasibility/System Impact Analysis	250,000
Marine Passenger Fee Priorities Total		\$ 631,100
Marine Passenger Fee Priorities Total		\$ 581,100

Res. 2845(c)

FISCAL YEAR 2020**STATE MARINE PASSENGER FEE PRIORITIES**

DEPARTMENT	PROJECT	FY20 BUDGET
Docks	Statter Harbor	\$ 4,500,000
Harbors	Statter Harbor	\$ 4,500,000
State Marine Passenger Fee Priorities Total		<u>\$ 4,500,000</u>

FISCAL YEAR 2020**BARTLETT HOSPITAL ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Bartlett Hospital	Hospital Drive Paving - Admin to Juneau Med Center	\$ 500,000
Bartlett Hospital	Crises Stabilization	3,500,000
Bartlett Hospital Enterprise Fund Total		<u>\$4,000,000</u>

FISCAL YEAR 2020**HARBORS ENTERPRISE FUND**~~**DOCKS AND HARBORS ENTERPRISE FUND**~~

DEPARTMENT	PROJECT	FY20 BUDGET
Harbors	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	\$ 140,000
Docks and Harbors	Anode Installation - Douglas Harbor - CBJ Match to ADOT Grant	\$ 140,000
Harbors Enterprise Fund Total		<u>\$140,000</u>
Docks and Harbors Enterprise Fund Total		<u>\$140,000</u>

FISCAL YEAR 2020**WATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Water Utility	Douglas Highway Water Replacement David St. to I St.	\$ 3,000,000
Water Utility	Cedar Park Pump Station Backup Generator and Tank Removal	500,000
Water Utility	Hospital Drive Waterline Replacement (Street Recon)	150,000
Water Utility	Savikko Road Waterline Replacement (Street Recon)	120,000
Water Utility	Mendenhall Blvd-Poplar-Columbia Water Replacement (Repave)	180,000
Water Utility	Capital Ave Water System (Willoughby to Ninth) Street Recon	50,000
Water Utility	Capital Ave Water System (Willoughby to Ninth) Street Recon	50,000
Water Utility	Areawide Water Repairs / Minor Replacements	50,000
Water Enterprise Fund Total		<u>\$4,050,000</u>

FISCAL YEAR 2020**WASTEWATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Wastewater Utility	Auke Bay Treatment Plant (ABTP) Tank Repairs	\$ 145,000
Wastewater Utility	WW system SCADA Improvements	250,000
Wastewater Utility	Collection System Pump Station Upgrades	950,000
Wastewater Utility	Lift Station Upgrades / Outer Drive & W Juneau Improvements	350,000
Wastewater Utility	ABTP Disinfection Upgrades	400,000
Wastewater Utility	ABTP Generator / Backup Power	800,000
Wastewater Utility	Delta Drive Collection System Improvements (Street Recon)	75,000
Wastewater Utility	Aspen Ave - Mend to Taku - Collection Sys Imp. (Street Recon)	150,000
Wastewater Utility	River Road Paving LID - Utility Adjustments & Improvements	25,000
Wastewater Utility	Hospital Drive Sewer Improvements (Street Recon)	35,000
Wastewater Utility	Pavement Management Utility Adjustments	20,000
Wastewater Utility	ADOT Project Utility Adjustments	25,000
Wastewater Enterprise Fund Total		<u>\$ 3,225,000</u>

**FISCAL YEAR 2020
LANDS FUND**

DEPARTMENT	PROJECT	FY20 BUDGET
Lands	Pederson Hill Subdivision	\$ 450,000
Lands	Peterson Hill Subdivision	\$ 450,000
Lands	Pits and Quarries Infrastructure Maintenance and Expansion	50,000
Lands Fund Total		\$ 500,000
ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL		\$ 35,846,100
ORDINANCE 2019-06 CAPITAL PROJECTS FUNDING TOTAL		\$ 35,796,100
ORDINANCE 2019-06 OPERATING BUDGET FUNDING TOTAL		\$ 1,000,000 *

** Operating Budget Funding*

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2020-2025," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY20, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

**FISCAL YEAR 2020
AIRPORT UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	
Airport	Departure Lounge Secured ExitLane	\$ 380,000
Airport	Taxiway A Rehabilitation	17,000,000
Airport	Taxiway E Realignment (Geometry)	2,000,000
Airport	Taxiway D-1 Relocation (RIM)	1,500,000
Airport	26 MALSR (FAA F&E Project)	3,750,000
Airport	Space Reconfig (Old Dining Room/Kitchen) Tenants & Admin	292,000
Airport Unscheduled Funding Total		\$ 24,922,000

**FISCAL YEAR 2020
UNSCHEDULED FUNDING**

DEPARTMENT	PROJECT	
Docks and Harbors	ADOT Grant - Aurora Harbor Rebuild - Phase III	\$ 2,000,000
Docks and Harbors	ADOT Grant - Anode Installation - Harris Harbor	125,000
Docks and Harbors	ACOE Grant - Statter Breakwater Feasibility	500,000
Harbors	Amalga Harbor Infrastructure	280,000
Eaglecrest	Magic Carpet Grant Funding	160,000
Lands	Pederson Hill Phase II	1,350,000
Lands	West Douglas Pioneer Road Extension	100,000
Manager's Office	Senior Housing Land	1,500,000
Manager's Office	State Parking	5,000,000
Manager's Office	City Hall	5,000,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request JCF	25,000
Parks and Recreation	Amalga Meadows Public Use Cabin Grant Request Rasmussen	25,000
Unscheduled Funding Total		\$ 16,065,000
Unscheduled Funding Total		\$ 15,785,000

Section 2. Fiscal Year 2020 Budget. It is the intent of the Assembly that the Capital Improvements project budget allocations as set forth in the FY20 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2020 Budget. Page 650
Page 644

Section 3. State and Federal Funding. To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this ____ day of _____, 2019.

Beth A. Weldon Mayor

Attest:

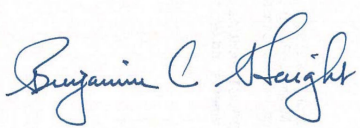
Elizabeth J. McEwen, Municipal Clerk



Planning Commission

(907) 586-0715
 PC_Comments@juneau.org
 www.juneau.org/plancomm
 155 S. Seward Street • Juneau, AK 99801

Date: November 28, 2018

From: Benjamin Haight, Chair
 Planning Commission 

To: Mike Vigue, Director of Engineering
 Assembly Public Works and Facilities Committee

Subject: Planning Commission CIP Recommendations, 2020-2025

BACKGROUND

Each year, the Planning Commission is tasked with reviewing and recommending to the Assembly whether to approve the Borough's six-year Capital Improvement Program (CIP). The Commission understands that this review is intended to ensure that the CIP is consistent with the Comprehensive Plan and other City and Borough plans, such as the Land Use Master Plan, Juneau Economic Development Plan, and Climate Action and Implementation Plan.

Over the last three years, in coordination with the CBJ Manager's Office and CDD Director, the Planning Commission has worked to make its review of the CIP list more meaningful by allowing for an early recommendation of Planning Commission priorities in addition to the final CIP review before the formal Assembly adoption. Planning Commission comments on the draft CIP document early in the review process allows earlier recommendations for review and inclusion by the Manager's Office and Borough Assembly as the CIP list is assembled.

It is intended that the Planning Commission's annual review will continue to follow the general format established here, allowing subsequent reviews to track progress on these goals as a way to help foster consistency and achieve results. In addition, the Planning Commission is working to ensure that there will be additional opportunities for public input to the CIP review process.

COMPREHENSIVE PLAN REVIEW

Before addressing specific recommendations, the Planning Commission notes that review and approval of the CIP reinforces the recognized need to review and update the Comprehensive Plan. An update to the Comprehensive Plan will help ensure that the City's CIP priorities are aligned with the community's vision and priorities. In addition, part of revising the Comprehensive Plan will be to harmonize and appropriately integrate other City and Borough plans. That process should help identify priorities and ensure that input from the Planning Commission, other bodies, and the public can be meaningful.

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission has structured its review to include both a summary of general *Policy Recommendations* that fall under the Planning Commission's purview, as well as a list of recommended *Specific Projects* that follow from the general recommendations. These recommendations are offered to help ensure that the Borough's broad development and planning needs are met.

A. Policy Recommendations

The Planning Commission has identified three general categories that are relevant to its review authority and that should inform an evaluation of the consistency of potential capital improvements with the Comprehensive Plan: *Housing, Community Vitality, and Sustainability*. The following general goals reflect those priorities and draw from current City and Borough plans:

Housing

1. Develop incentive programs to promote new housing development. Such programs should derive from recommendations of the CBJ Housing Officer, Committee on Affordable Housing, Economic Development Plan, and the Housing Action Plan.
2. Focus housing initiatives in the near-term on Downtown, which the Commission identifies as under-served by CBJ efforts to improve and increase housing stock borough-wide.
3. Explore public/private mechanisms to help create new or renovated housing inventory, with a focus on under-utilized facilities in the Downtown core.

Community Vitality:

1. Focus on Downtown improvements, given the rapidly increasing levels of seasonal visitation. Projects should address vehicular and pedestrian traffic congestion, waterfront and sea walk development, lessening of homeless impacts, and increased full-year economic vitality.
2. Initiate goals from the Lemon Creek Area Plan. This planning process was undertaken by CBJ as a way for the community to articulate goals for Lemon Creek and to identify priority CBJ projects, including recreational areas, parks, trails, and community facilities.
3. Strengthen the CBJ Land Management Plan by working across CBJ departmental land designations to prioritize parcels for acquisition or disposal relative to CBJ and community needs, including housing, infrastructure, and recreation.

Sustainability:

1. Prioritize and enact recommendations from the Climate Action and Implementation Plan and Juneau Renewable Energy Strategy.
2. Prioritize recycling and landfill diversion strategies, such as organic waste composting, and work toward waste volume reduction while long-term waste solutions are studied.

3. Encourage greater local food production opportunities by allowing land throughout the borough which is unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations.

B. Specific Projects

The following projects would implement Planning Commission priorities from the general policy goals above and are recommended for CBJ action:

- Housing: Implement an incentive program for the creation of new apartments in Downtown mixed-use facilities. The focus should be on underutilized properties. Recent 1% sales tax funds may be an appropriate funding source.
- Community Vitality: Implement capital project improvements from the Lemon Creek Area Plan. Of these potential projects, a new bike trail linking Twin Lakes, crossing the wetlands, Lemon Creek, and connecting to Glacier Highway near Switzer Creek is a priority. This bike trail aligns with the 2001 Area-wide Transportation Plan and the Lemon Creek Plan. It would provide recreational access to undeveloped and attractive Lemon Creek areas and better link Lemon Creek residents in a positive way with adjoining Juneau neighborhoods.
- Housing: Support development and implementation of a residential energy efficiency program to reduce costs of heating and utilities. Improved efficiency and conversion from electric resistance and oil heat to heat pumps which recognize the benefits of Juneau's hydroelectric power will contribute to CBJ goals of improving housing affordability, shifting to renewable energy, and reducing GHG emissions, while creating new jobs.
- Community Vitality: Implement a seasonal Downtown circulator with simple on/off transit nodes that link primary pedestrian areas, including the tram/dock area, transit center, and Willoughby District. This step would lessen traffic congestion in the downtown core, particularly South Franklin Street. Great enthusiasm has been shown for this step in on-going "Blueprint Downtown" studies, with a further recommendation to utilize electric buses.
- Community Vitality: Ensure that funding for reconstruction of Capital Avenue between Willoughby Avenue and Ninth Street remains allocated for FY2020 as shown in the FY19-24 CIP. Work should begin on known land ownership and underground infrastructure issues in preparation for construction. This is an important non-motorized link to the Willoughby area and a sidewalk along this street was identified as a specific walking connection need in the 2012 Willoughby District Land Use Plan. It was also identified as a priority in the 2009 Non-motorized Transportation Plan.
- Housing: Continue to develop an updated mass wasting study across the downtown area. A new study would have several benefits, including the potential to increase the inventory of developable land and to remove financing barriers where regulatory and development ambiguity exists. A study would have the benefit of providing a better understanding CBJ liability and establishing a more accurate risk assessment.

Assembly Public Works and Facilities Committee
 CIP Recommendations
 November 28, 2018
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- Sustainability: Develop a community-wide electric vehicle (EV) plan that supports adoption of EV's, acknowledges EV benefits, and encourages and coordinates public and private development of charging infrastructure. Such a plan would include consistent EV parking and charging policies and signage, require that all CBJ construction and street projects plan for and incorporate EV charging infrastructure where economical and practical, and require appropriate wiring in new residential and commercial construction.
- Sustainability: Develop and implement procedures to obtain a baseline understanding of city energy use and utilities infrastructure. The city can use tracking software to monitor and report CBJ energy use and costs consistently across all departments and facilities. This will provide necessary information to guide future CIP decisions and to better understand the energy efficiencies that can be gained. These actions are recommended in the Comprehensive Plan, the Juneau Climate Action and Implementation Plan (2011), the Juneau Renewable Energy Strategy (2018), and in the Juneau Commission on Sustainability's Annual Reports and CIP recommendations 2016-2018.
- Sustainability: Initiate a study of opportunities for organic waste composting and begin to plan and design for a composting facility at the landfill.
- Sustainability: Develop a publicized process for land throughout the Borough unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations. Modest funding should be allocated to assist in initial development of improvements to these gardens.



Community Development

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: May 30, 2019
File No.: CSP2018 0012

City and Borough of Juneau
Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding Fiscal Year 2020 Capital Improvement Program (CIP)

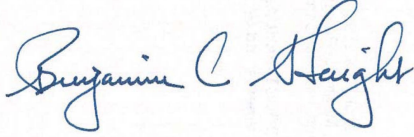
The Planning Commission, at its regular public meeting on May 28, 2019, adopted the analysis and findings listed in the attached memorandum dated May 24, 2019. The Commission found that the CIP projects recommended for funding in FY2020 conform to the policies of the Juneau Comprehensive Plan.

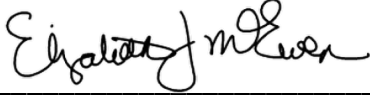
Attachments: May 24, 2019, memorandum from Tim Felstead, Planner, Community Development, to the CBJ Planning Commission regarding CSP2018 0012.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

City and Borough of Juneau
CBJ Assembly
File No.: CSP2018 0012
May 30, 2019
Page 2 of 2

Project Planner: 
Tim Felstead, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With City Clerk

5/31/2019
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. The CBJ and project designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.