Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman

May 26, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. April 14, 2015 Regular Planning Commission Meeting Minutes

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

A. VAR2015 0012, Variance request to reduce the side yard setback from 10 feet to 5 feet.

B. VAR2015 0013, Variance request to reduce the front yard setback from 20 feet to 10 feet.

C. CSP2015 0009, A City Review of subdividing CBJ property into eight lots near Dzantik'i Heeni Middle School

D. SMP2015 0005, Preliminary plat review for an eight lot subdivision in a D-15 zoning district.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

A. TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land.

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

A. March 23, 2015 Public Works and Facilities Committee Meeting Minutes

B. April 10, 2015 Title 49 Committee Worksession Minutes

C. March 12, 2015 Marijuana Committee Meeting MInutes

D. March 2, 2015 Public Works and Facilities Committee Meeting Minutes

E. March 2, 2015 Lands and Resources Committee Meeting Minutes

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

April 14, 2015

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I. ROLL CALL

Mike Satre, 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 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I; Allison Eddins, Planner I; Rob Steedle, Deputy City Manager; Greg Chaney, Lands and Resource Manager; Amy Mead, City Attorney; Robert Palmer, Assistant City Attorney; Rorie Watt, Engineering and Public Works Department Director

II. APPROVAL OF MINUTES

- March 10, 2015 – Special Joint Assembly and Planning Commission Meeting
- March 10, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the March 10, 2015, Special Joint Assembly and Planning Commission meeting minutes and the March 10, 2015, Regular Planning Commission meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Loren Jones reported that the Assembly heard the Haven House appeal, with a decision from the Assembly due within the next 45 days. At the last meeting the Assembly approved the reorganization and subsequent creation of an Engineering and Public Works department, said Mr. Jones. The Assembly also granted authority to the City Manager to extend the Memorandum of Agreement with Goldbelt on the West Douglas road for another five years, said Mr. Jones. The zoning change on North Douglas was approved; this was rezoning the properties from D3 to D5, said Mr. Jones. The Hidden Valley zoning map change was also approved, said Mr. Jones. A tweak in the Subdivision Ordinance may be required for that, which was on the Commission's agenda for this evening, he said.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

CSP2015 0004:	Land trade of 0.9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision.
Applicant:	CBJ Lands and Resources
Location:	10300 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

CSP2015 0005:	A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer's Cutoff.
Applicant:	CBJ
Location:	North half of Mendenhall Peninsula

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

PDF2015 0001:	Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Applicant:	Corvus Design
Location:	5405 North Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Final Plan for the Sunset Heights Planned Unit Development. The permit would allow the development of a 12 unit Planned Unit Development in accordance with the plans

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submitted in this application. Approval of the final plan would also allow for the recording of the plat for Lot 7A1 & Lot 7B1 of USS 2950. Approval is subject to the following conditions:

1. Prior to final plat recording note #9 shall be amended to read "there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey".
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

SMP2015 0002/ SMF2015 0002:	A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.
Applicant:	R & S Construction, LLC.
Location:	2035 and 2037 Jordan Avenue

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat review. The permit would allow the consolidation of six lots into two.

VAR2015 0004:	Variance request to side yard setback to allow a garage to be rebuilt.
Applicant:	Barbara Craver and Mark Kirchhoff
Location:	506 West Ninth Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2015 0004. The Variance permit would allow for the construction of a new garage in the same footprint as the existing garage, which is one foot from the street side property line with the following condition:

1. Provide an as-built survey to confirm the 1 foot setback prior to the issuance of a certificate of occupancy.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS – None

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IX. REGULAR AGENDA

AME2015 0001:	A rezone request to change 5.13 acres from Industrial to Mixed Use.
Applicant:	Errol Champion
Location:	Mill Street and Eastaugh Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

Ms. McKibben stated that this a rezone request for 5.13 acres in the area of the large rock dump. The application was received in January, one of the two months when rezone requests can be received, the other month being July. Each piece of the land is over two acres, said Ms. McKibben. The lots in question are surrounded by industrial land, she said.

The land is identified as Heavy Industrial on the Comprehensive Plan future land use designation, noted Ms. McKibben. In this zoning residential, office, retail and personal service uses are not allowed, with the exception that a residential caretaker facility is permitted, she said.

In Development Guideline One, said Ms. McKibben, "Land designated for heavy industrial use of the Comprehensive Plan land use maps should not be converted to use. It is not allowed in the Heavy Industrial land use definition of Chapter 11, unless it is an essential public purpose as is deemed by the Planning Commission and the Assembly warrants such a conversion."

The long range Waterfront Plan calls for this area to continue on as an important economic engine and logistics point for the community, by preserving and encouraging a continuation of waterfront dependent and industrial uses, said Ms. McKibben. The Plan also calls for the removal of tourist related retail as a permissible use, with the exception of the uses that are necessary and located on the same lot as the cruise ship docks, she said.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant, reported Ms. McKibben. Mixed-Use zoning has no setbacks, said Ms. McKibben, in contrast to the Waterfront and Industrial zone designations, which require 10 foot side yard setbacks on all four sides. The biggest difference is that for Industrial zoned land only one caretaker residence is allowed per lot, said Ms. McKibben, in contrast to the Mixed-Use zoning district, where no maximum density is set.

Ms. McKibben reviewed the relevant portion of the Table of Permissible Uses for the Commission. She said that the City Assessor has concerns about the rezone request. In a portion of her assessment the CBJ Assessor stated that, "…a precedent of rezoning Industrial land to Mixed-Use is a disservice to the industrial base for which it is believed that Juneau needs to provide viable, useful space at attractive land rates…." The City Assessor expressed concern over the possible impact a rezone of this type would have on neighboring land and

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values, said Ms. McKibben. The Director of Engineering and Public Works also expressed concern, said Ms. McKibben, particularly regarding its proximity to the Wastewater Treatment Plant.

There were quite a few public comments received, noted Ms. McKibben, a number of them expressing concern over the incompatibility of residential use with surrounding industrial uses. She said this includes comments from the Utilities Advisory Board for the City and Borough. There are also some comments in support of the project, said Ms. McKibben, primarily citing the need for additional housing.

The land is identified as Heavy Industrial on the Comprehensive Plan maps.

The staff recommends denial of the rezone request, said Ms. McKibben, because it is not in substantial conformance with the maps of the Comprehensive Plan.

Commission Comments And Questions
Mr. Watson asked if Ms. McKibben knew how many uses were designated for the land in the rock dump area.

Ms. McKibben said she did not know the exact number of uses.

Mr. Watson asked if the Assessor's Office comments were in response to the routine request for input from all of the various departments.

Ms. McKibben responded that this is true, and that it was part of the agency review.

Applicant
Mr. Errol Champion said that he represents North Pacific Erectors, which is developing Lot 2, and has plans to develop the remaining lots.

Mr. Champion said they began discussing the rezone of the seven lots last spring, and that they met with Community Development Department (CDD) staff in July. They had initially thought that a zone change of General Commercial was the right approach. However, said Mr. Champion, the CDD staff counseled them that it would be better if they requested Mixed-Use zoning.

Mr. Champion said housing development was part of the reason for the rezone request, but that this would also be for storage units, and that there is a dire need in the downtown Juneau area for storage.

Mr. Champion outlined the need for housing in Juneau by citing housing sales and prices over the past few years. For example in 2012 there were 197 single family housing sales, said Mr. Champion. The average sales price was $353,000, he noted. In 2013 there were 219 single-family homes sold with the average price of $373,000, he said. Prices continue to climb, said Mr. Champion, and so does the demand, with the exception of single-family housing sales in 2014.

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The real demand in the community is for units that sell for less than the $200,000 price range, said Mr. Champion. The demand for housing is so high that many housing units are not even listed with the Multiple Listing Service, said Mr. Champion, and therefore do not show up in these numbers.

Today there are 41 single family housing units on the market, with the average asking price of $439,000, said Mr. Champion. There are currently eight attached homes on the market with the average list price of $281,000, he said. There are 23 condos on the market at $176,434, he added.

The rock dump area is not fully developed, said Mr. Champion. Most of the uses in the area are not Industrial, he said, they are Commercial. The rezone has a lot of support, said Mr. Champion, mostly from business owners in the area who lack storage. He said all of them would like the capability for residential use for the upper story of the buildings, he said.

Mr. Champion said in all of his experience both on the Planning Commission and as a realtor he has never experienced the Assessor commenting on a rezone request before. Mr. Champion read comments in favor of the rezone from the President of the Alaska Appraisal Association, which cited the need to provide housing in the area in order to attract a workforce. Housing within Industrial zoning is consistent with green growth goals, read Mr. Champion.

Mr. Champion said they understand that Alaska Marine Lines (AML) is opposed to the rezone request. He added that it is not uncommon to see residential areas behind waterfront commercial zones.

Heavy industrial development is not in Juneau's future, said Mr. Champion. He said there is not industrial development in Juneau's future as is defined in the code. He said as an Industrial zone, the property has sat idle for 65 years. The land will not be used and developed as long as it is Industrial, said Mr. Champion. He said that uses need to be created for land within the existing infrastructure so that funds are not needed for the provision of additional of services.

Granting the rezone would enable them to add to the housing inventory of Juneau, said Mr. Champion. It would also increase the assessed role, said Mr. Champion, because the buildings would not be assessed only as a storage unit but also as a residential dwelling.

Commission Comments And Questions
Mr. Voelckers asked if Mr. Champion has run into any storage limitations for the property with the current zoning.

Mr. Champion replied that the current zoning would allow for the storage units but that would be all; no mezzanines would be allowed.

Public Comments
Joan Cahill, who owns a rock dump storage condominium, spoke in favor of the rezone, stating that they had hoped that they could develop an apartment for the second floor of their

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property. She said she is frequently in the area and that her impression of the area has never been that of heavy industrial use.

Jake Mampa, Terminal Manager for AML, said that AML is opposed to the rezone request. He said they have safety concerns if residents lived in the area. In the summer there are two bus businesses, and 90% of the Juneau fuel and commodities come through that area, he said. The area is already full of people off of the cruise ships walking the area in the summer, said Mr. Mampa.

He said they are constantly getting complaints from Douglas over the existing noise level created by AML, and that if there were residential dwellings in the area those complaints would increase, he said.

Commission Comments and Questions
Mr. Haight asked if AML has had the opportunity to measure its existing noise levels.

Those levels have been measured, but he did not have that information with him, responded Mr. Mampa.

Mr. Watson commented that since Northland used AML barges in the winter that there really was not a change in the traffic flow for the area. He said that AML is protected by interstate commerce regarding noise levels.

Ms. Grewe asked Mr. Champion how he would respond to AML's concern that there would be complaints about the nose noise level if there were residences in the area.

Mr. Champion responded that Juneau has a noise ordinance in effect. The barge traffic is not constant and is periodic activity, said Mr. Champion. These would not be starter homes with families with children, said Mr. Champion. People would like to be able to be absent from Juneau in the winter, while using the storage units to store their possessions, said Mr. Champion.

Mr. Levine asked Mr. Champion to relate the reasons given to him by the CDD staff to seek Mixed-Use rather than Commercial zoning for their property.

The staff felt it was a more fitting zone for the downtown general area, said Mr. Champion. He said he yielded to the expertise of the staff.

Mr. Jackson said that he disagreed with the assessment that there are no children living in the more recent condominiums. He said he notices plenty of children outside in the Jordan Creek Condominium area, and that there is no place for them to play.

Mr. Watson asked how many feet the property in question is from AML.

Mr. Champion responded that it varies, but that their property is located probably 500 feet from the AML area with the most activity.

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MOTION: *by Mr. Voelckers, that the Commission adopt the Director's analysis and findings, and deny the proposed rezone request to rezone 5.13 acres from Industrial to Mixed-Use.*

In support of his motion, Mr. Voelckers stated that although he is highly sympathetic to the arguments raised about the need for housing and the values of Mixed-Use zoning, that he felt very firmly this was the wrong place to enact this zoning. He said he felt the staff did a good job outlining the issues, and that there is a very good reason that Heavy Industrial zoned land is valuable in its own right, and that there is a reason why there is that type of zoning separation. He said the property under consideration is surrounded by a tank farm on one side, an active barge company on the other, with the sewage treatment plant on the third side.

Mr. Miller spoke against the motion, citing the dire housing situation in Juneau, and stating that the need for housing is so great that these condominium projects with housing attached to them are very popular. He said that the Costco area where land in the Industrial area was mostly commercial, was similar in this area. People need to be able to develop commercial uses, said Mr. Miller. Mr. Miller said that he did not perceive noise being an issue for future residents in the area. Most industrial areas get extremely quiet at the end of the workday, noted Mr. Miller. Mr. Miller said he feels that the rezone request does comply with the policies and guidelines of the Comprehensive Plan. The Comprehensive Plan is in support of the location and growth of locally-based basic sector industry that provides year-round full-time employment and provides tax revenues that support public services, said Mr. Miller.

The Development Guideline for 5.11 does provide for this type of rezone if an essential public purpose as deemed by the Planning Commission and the Assembly warrants such a conversion, said Mr. Miller. Mr. Miller said he did not think there is any use more essential than housing for the people that live and work in the community.

Ms. Grewe asked where else in the Borough approximately five acres of industrial land is available.

Ms. McKibben responded that she believes there is a similar parcel on Sherwood Lane.

Ms. Grewe commented that these potential units would be placed between a tank farm, shipping business and a wastewater treatment plant. She said when she is in other cities and sees the condo residential mix that they are typically located within warehouse districts that are being redeveloped.

She asked the staff if they had given any thought to the trend for these types of developments.

Ms. McKibben said that she has not given a lot of thought to the issue currently but that it is potentially an issue that can be addressed once the industrial land inventory is completed.

Mr. Hart noted that this is a trend that is taking place up and down the West Coast. They have also noted the trend of more office use in industrial areas because the nature of manufacturing has changed, he said.

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Thousands of cruise ship passengers each season walk up the street in this area, said Mr. Watson. He added that eventually the sea walk will run up against this area. There is also a gentleman planning a marina for the area, said Mr. Watson. He added that this is one of the slowest growth areas in Juneau. Mr. Watson said that he feels Mr. Champion made an excellent presentation, and that he would vote against the motion.

Speaking in the in favor of the motion, Mr. LeVine said that while he agreed with Mr. Miller that the need for housing is an essential purpose which could lead the Planning Commission to rezone this property, just because the Commission has the ability to approve the rezone request, it did not mean that this land was the right choice for a rezone. Mr. LeVine said he felt this was the wrong location for a residential development, and that if the area were rezoned it could lead to the development of other projects such as a hotel.

Mr. Haight said he saw the merit of both arguments, for both the need for housing in the community and also the merits of the integration of housing into a Mixed-Use zoning district. Mr. Haight said the Commission has received complaints in the past about the Mendenhall Sewage Treatment Plant and its odor impact on neighboring residents. They have also received complaints about the noise in the industrial Costco Lemon Creek environment, said Mr. Haight. Mr. Haight said because of the number of conflicts in the area, that he would vote in favor of the motion.

Speaking in support of the motion, Ms. Grewe said the request is not in compliance with the Comprehensive Plan land use map and associated policies. She said that Industrial land composed of five acres is very difficult to acquire in this community, and she did not think enough thought had been given to the future of this area. The surrounding land use activities are not compatible with residential development, said Ms. Grewe.

Mr. Jackson said he was in favor of the motion, and that this Industrial area would be needed for future industrial use.

Mr. Peters said he saw merit to both sides of the argument for the rezone request, but that having observed similar developments in Anchorage, that he spoke against the motion and was in favor of rezoning the area to enable residential use.

Chairman Satre said that while he is very open to housing in Industrial land, that he did not feel that rezones were up the way to accomplish this. He said that he would be voting in support of this motion, and that perhaps it was time to open up the code to enable the construction of housing units in Industrial areas.

<u>Roll Call Vote:</u>

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Miller, Peters, Watson

Motion Passes.

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AME2015 0002:	A rezone request to change 4.5 acres from Waterfront Industrial to Industrial.
Applicant:	CBJ
Location:	Juneau Douglas Wastewater Treatment Plant on Thane Road

Staff Recommendation

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

This land is owned by the City and Borough of Juneau and the rezone request comes through the Department of Engineering and Public Works, said Ms. McKibben. The land is adjacent to Industrial land, she noted. The rezone request is for more than two acres and it is adjacent to an existing zoning district, said Ms. McKibben. In the Comprehensive Plan maps the land is designated for Institutional and Public Uses (IPU). Rezones must substantially conform to the maps of the Comprehensive Plan, she noted. Land of this type would include the University of Alaska, community gardens, along with schools, libraries and fire stations, said Ms. McKibben.

The public use of these lands would vary widely, and IPU designated lands can be under any zoning district with uses that are appropriate to the zone as dictated by the Table of Permissible Uses, said Ms. McKibben. A Public Use must be in the same district as the surrounding or abutting lands, she added.

Policy 5.10 is, "To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program", cited Ms. McKibben. She cited policy 5.11, which states, "To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services."

Lands designated for heavy industrial use would not be converted unless the Planning Commission or the Assembly found a central public purpose, noted Ms. McKibben. Deepwater ports and navigable waters are valued assets and are critical to the sustainability of the economy and livability of Juneau, said Ms. McKibben, reading Development Guideline One.

The difference between Waterfront Industrial and Industrial zoning is the fact that Waterfront Industrial zoning must have water-focused uses, explained Ms. McKibben. The rezoning request has come forward in order to allow a wider variety of uses in the area, said Ms. McKibben.

Mr. Watson asked why amending the Table of Permissible Uses was not the approach taken for this piece of property. He added that he is apprehensive about taking away rare, waterfront

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property with the rezone. Mr. Watson said he did not recall the removal of waterfront land through a rezone being done in the community before.

Ms. McKibben responded that she found an ordinance from the nineties that did amend the Comprehensive Plan maps from Waterfront Industrial to Industrial. She admitted it is unusual. She said it was her understanding that there is no Waterfront Industrial or Commercial land that is not zoned Waterfront Industrial or Commercial.

Mr. Voelckers asked for verification that some of the wastewater treatment functions that occur are now allowed within Waterfront Industrial zoning.

Mr. Watt said he is fine pursuing any option that would provide the City flexibility in its use of the land. He added that as the community grows, the City needs the use of all of the available Industrial land that it can access. If the Waterfront Industrial zone is left on the periphery of the property, Mr. Watt said he feared a ribbon of Waterfront Industrial zoned land which would never get used for any purpose. It could be a possible potential site of the future biosolids plant, noted Mr. Watt.

Commission Comments and Questions
Mr. Voelckers asked if the City would own the Waterfront Industrial strip of property in perpetuity.

Mr. Watt responded in the affirmative.

Public Comment
Howard Lockwood said his primary business has always been Juneau contracting and land development, and that he was appearing before the Commission as the owner of Alaska Metal Extraction Mining company. He said that this business holds the current operating agreement on state mining claims in this area. He said they have an agreement with the City to build a harbor in the area and that they have title to the mineral estate.

Speaking in opposition to the rezone request, Mr. Lockwood said zoning this particular piece of property from Waterfront Industrial to Industrial would nearly destroy all of the years of work that have gone into planning construction of a harbor in the area. The harbor is designed to accommodate the larger private vessels that come to the area that are too large to use the other harbors, said Mr. Lockwood. The rezone request did not follow due process, and they were not given a chance to comment on it, said Mr. Lockwood.

Commission Comments and Questions
Mr. Voelckers asked Mr. Watt for his understanding of how the mining claims overlap with the City's legal interest in the property.

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This is a legal question, said Mr. Watt, adding that the City attorneys disagreed with Mr. Lockwood's assessment of property rights.

Mr. LeVine asked Mr. Watt if the change that they are requesting would affect a legal lease held by Mr. Lockwood for the property.

Mr. Watt said his answer was no, and that Mr. Lockwood's lease was complicated. There were a number of steps Mr. Lockwood was required to take under the initial lease which has been extended several times, noted Mr. Watt. One of those steps involves surveying the property to determine the actual location of the lease boundary, said Mr. Watt. The survey has not taken place, he added. There is a lease, and Mr. Lockwood has some rights to pursue his project, said Mr. Watt. He said their request did not affect the lease.

MOTION: *by Mr. Watson, that the rezone request be denied.*

In support of his motion, Mr. Watson said that this is waterfront property and there is precious little of that type of property available in the community. He added that he felt a rezone would further compound the problems of two entities which seem to disagree.

Mr. Haight said that he was in support of the motion. He said that it appears the rezone may enter the City into a conflict. He said he felt the existing treatment facility could continue to operate in the area without the rezone, and that the Table of Permissible Uses could be amended if needed, such as for a biosolids facility.

Mr. Miller also spoke in favor of the motion, stating that a rezone is not the right approach.

Mr. Levine said he also supported the motion. He said they did not appear to be an imminent need for the rezone at this time, which gives the City time to come up with a better solution.

Ms. McKibben reminded the Commission that to pass the motion denying the rezone request that the findings would need to be amended.

The motion passed with no objection.

Chairman Satre said to amend the findings he felt they should recognize the existing findings, while adding; "Waterfront Industrial zoned land is in very short supply, and the Commission does not see the need to change the zoning at this time."

AME2015 0003:	Text amendment to CBJ 49.45.410, increasing the sign enforcement fee.
Applicant:	CBJ
Location:	Borough-wide

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Staff Recommendation
Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

This is a text change to Title 49 and to Title 3, said Ms. Boyce. This request comes from the Historic Resources Advisory Committee (HRAC) of the City, she explained. One of their tasks is giving advice on historical resources, including development in the Historic District of Juneau, said Ms. Boyce. Signs are a type of development, she added.

The Advisory Committee has been concerned about the image of the Downtown Historic District over the years, and they have noticed that signage is becoming more of an issue, especially in the Downtown Historic District, said Ms. Boyce. They formed a signage subcommittee to address this issue, said Ms. Boyce. The proposed change would be Borough-wide, said Ms. Boyce, not just for the Downtown Historic District.

The existing code calls for a $25 fine for the first offense, a $50 fine for the second offense, and a $100 fine with a mandatory court appearance for the third offense, said Ms. Boyce. The change would change the criminal infraction piece of this enforcement to a civil fine, said Ms. Boyce.

The proposed change calls for 15 days for the owner to come into compliance after being cited. On a first offense the fine would be eliminated if the business owners came into compliance within 15 days, noted Ms. Boyce. The proposed change for a sign violation would be $500 a day per sign until compliance with the code, said Ms. Boyce.

Because of the current fine structure, it is currently cheaper to put up a sign without a permit than it is to pay for the permit, said Ms. Boyce.

The Title 49 Subcommittee is in support of the proposal, said Ms. Boyce. This request is in support of the goals and policies of the Comprehensive Plan, she said.

Commission Comments and Questions
Mr. Watson asked if the fines collected would go into the general fund or into the CDD's fund.

The collected fines would not go into the CDD fund, answered Ms. Boyce.

Mr. Watson asked how this would be enforced.

The staff would enforce this, said Ms. Boyce.

Mr. Watson asked if sign infractions could not be enforced before, then how would they be enforced now.

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Currently they send a certified letter notifying the business that a sign has been erected without a permit, and to contact the CDD office, said Ms. Boyce. They include an application with the letter, she said. If they received no response the offender would receive another letter notifying them that they had 15 days to come into compliance before they were fined.

With the proposed change a letter can still be sent initially, but they could also be issued a citation giving them 15 days to rectify the situation, said Ms. Boyce. There were at least 22 businesses in the Downtown Historic District last summer that did not apply for a signage permit, noted Ms. Boyce.

Mr. Miller asked what the signage requirements entailed.

To be compliant the business would need to contact the CDD office and submit their application, said Ms. Boyce.

Mr. Miller asked if a realtor for-sale sign required a permit.

While they are considered signs, they are exempt from the signage requirements, said Ms. Boyce.

Mr. Levine asked how the 15 day compliance time frame was selected, and if a business began the application process if that brought the business into compliance, even if it left up a noncompliant sign over that time frame.

Code dictates that a sign be approved within three days of the application, said Ms. Boyce. Approving the application for a sign in the Historic District takes a little more time, she added. Ms. Boyce said the 15 day time period offers enough time for the application process.

Mr. Watson said he would feel more comfortable with this change if it were directed just at the Downtown Historic District.

Mr. Voelckers asked how long the signage compliance requirements have been in effect.

The Downtown Historic District standards were approved at the end of 2009, and they have been in effect since 2010, said Ms. Boyce.

Mr. Miller asked if a sign could remain standing while it was determined if the sign was in compliance or not. He also asked if the 15 day deadline was enforced while the business was getting its sign fabricated to be in compliance.

Ms. Boyce replied that it is a 15 day window with noncompliant signs being taken down at the end of that period, or the sign was approved during that period.

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Public Comment
Zane Jones, Chair of the HRAC Committee, spoke in support of the enforcement change. He said with the current fee structure it was cheaper not to apply for a permit. They plan on the process being self-regulating to a major extent, said Mr. Jones. He said notice of receiving a $500 fine would encourage the business to want to comply with the code.

Downtown business owner Michael Tripp spoke in favor of the enforcement change. He said preparing a sign application for the District is not overly demanding or laborious. Once his application for signage within the Historic District was complete, said Mr. Tripp, it only took a few days for it to be approved. He said the current $25 enforcement fee is absolutely powerless. The staff needs a tool that it can use to bring businesses into compliance quickly, said Mr. Tripp.

Commission Comments and Questions
Mr. Watson asked Mr. Tripp if he knew what the fines were for hocking.

Mr. Tripp said he did not know what the fines were for hocking.

Ms. Mead said the hocking findings were $150 for the first offense and $300 for the second offense. The third offense within two years requires a mandatory court appearance, said Ms. Mead.

Public Comment
Daryl Miller, owner of Commercial Signs and Printing, spoke against the fine change. He said that he believes requesting permits from the CDD in Juneau on behalf of his clients has made him very familiar with the process. He said he has reservations about the level of the fee structure. The $500 a day proposed fee for noncompliance would require all sign products for the downtown area to use methods and materials that are not contemporary. The proposed materials are not as durable and would not last as long in the Juneau environment, said Mr. Miller. He said he was a proponent of current vinyl materials for sign construction. As the owner of his business he said it felt it put him at huge risk if the business that he fabricated a sign for was issued a $20,000 fine because the sign was not in compliance. He suggested changing the code to a civil infraction as was discussed, and then to have a fee for noncompliance, but not to go "crazy" with the fee.

Commission Comments and Questions
Mr. LeVine asked if the signage rules were changed to Mr. (Daryl) Miller's satisfaction, if he would still object to the fine structure as it is currently proposed.

Mr. (Daryl) Miller said under those circumstances he would not object because the City and Borough of Juneau would have made every effort to allow improvements in the Historic District.

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Mr. LeVine clarified with Mr. (Daryl) Miller that one of his concerns was ultimately being held liable for noncompliant signs.

Having his clients receive a $500 a day fine for having a matte surface or vinyl letters on their signs is what concerned him, said Mr. (Daryl) Miller.

Mr. (Commissioner) Miller asked if there was a fine amount for a sign deemed in danger of falling and potentially hurting a citizen.

Ms. Boyce said she did not know the answer to that question.

MOTION: *by Ms. Grewe, that the Commission adopt AME2015 2003 with staff's findings, analysis and recommendations, and that the amendment as written in the staff report be forwarded to the Assembly with a recommendation for approval.*

In support of the motion Ms. Grewe said sign standards, policies and guidelines were fully vetted in 2009, and if there are problems that remain in that section of the code that it be dealt with as a separate issue. The issue is enforcement of what is currently within the ordinance, said Ms. Grewe.

Mr. Voelckers said he was in support of the motion, and that he recognized that parts of town have become an "anarchistic mess". Mr. Voelckers said he felt it was appropriate to begin the process by tightening the fine structure within the ordinance.

Mr. (Commissioner) Miller said he felt that raising the fees was a good first step in sign enforcement, but that he did have issues with the $500 a day fine for every day a business was without compliance. He said he felt this was true especially in light of testimony that there is still a requirement for painted signs in the Juneau climate, said Mr. Miller. People hardly put paint on houses anymore, let alone on signs, said Mr. Miller.

Mr. (Commissioner) Miller said he would like to submit a friendly amendment removing the $500 fine for each day of noncompliance and instead have a flat $500 fine, with the knowledge that the Commission has work to do on the code requirements in this area. This would give the fine more teeth for the coming summer, and give the Commission a year to remedy any weaknesses in the code, said Mr. Miller.

Ms. Grewe said she would not accept the friendly amendment. She said she felt that the 15 days given to businesses to come into compliance was fair.

MOTION: *by Mr. Miller, to amend Ms. Grewe's motion to a single flat offense fee of $500.*

Roll Call Vote:

Yeas: Miller, Watson

Nays: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

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Motion fails.

Mr. Peters spoke in favor of the main motion saying he felt this was the correct first step in enforcing the code. It has teeth, and those in noncompliance have 15 days to come into compliance, he said.

Mr. Watson spoke against the main motion saying that after tonight's testimony that he has some concerns. He said he felt work needed to be done cleaning up the code before businesses were issued a daily $500 fine for noncompliance.

Roll Call Vote: *(on main motion by Ms. Grewe)*:

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Nays: Miller, Watson

Motion Passes.

AME2015 0005:	A rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Applicant:	RH Development
Location:	7400 Glacier Highway

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

Mr. Lange described this land as a D5 parcel surrounded by D5 zoning. It is located on Old Glacier Highway located between Walmart and Fred Meyers on the uphill side. To the west of the property is land zoned D15 Light Commercial (Fred Meyers, Humane Society and doctor's office), and to the east of the property there is land zoned D 18 Light Commercial, said Mr. Lange.

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It is the front portion of the property which the owner proposes be developed into Light Commercial, said Mr. Lange, with the back portion of the parcel proposed to be D 18 zoning. Mr. Lange said the applicant is requesting the Light Commercial zoning to act as a buffer between the noise from Egan and Old Glacier Highways and the residential property.

This area is Medium Density Residential in the Comprehensive Land Use plan, said Mr. Lange. Medium density residential has the characteristics of multi-family dwellings with densities of five to 20 units per acre. Light Commercial zoning carries with it a density of 30 units per acre, said Mr. Lange. Areas currently zoned Light Commercial are in land use designations that are Commercial, Traditional Town Center, and Marine Mixed-Use, said Mr. Lange. These areas allow for high density, multi-family residential developments ranging from 10 to 60 units per acre, said Mr. Lange.

With its current D5 zone, this parcel of land could have up to 99 dwelling units, said Mr. Lange. If it was rezoned to D18 it could have up to 355 dwelling units, and a mix of D18 and Light Commercial Zoning could result in up to 439 dwelling units, he added. The D5 zoning district is intended to accommodate primarily single family and duplex residences, with the D 18 definition addressing multi-family developments at 18 units per acre, said Mr. Lange. The definition for Light Commercial zoning states that it is generally located adjacent to residential areas, but with less intense development than a General Commercial zoned district, said Mr. Lange.

Hotels, day care centers and restaurants are all allowed in the Light Commercial zoned areas, said Mr. Lange. To the west of the parcel is the Vista Del Sol housing development which is zoned D5, said Mr. Lange.

Commission Comments and Questions
Mr. Voelckers asked about the extent of wetlands on property.

The wetlands maps do not indicate that there are wetlands in this area, said Mr. Lange, but the applicant has stated there are forested wetlands which the Army Corps of Engineers would regulate.

Mr. Watson asked what the CDD would consider “adequate buffering”.

Staff needed to research the answer to that question.

Chairman Satre noted that the meeting will proceed past the 10:30 p.m. threshold when the Commission is allowed to consider additional items on the agenda. The remaining items on the agenda barring any motions from the Commission will need to be pushed to the next agenda, noted Chairman Satre. He proposed that TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land be referred to back up to the Subdivision Review Committee to address several issues which the staff was going to present to the Commission this evening,

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and that the remaining items on the agenda be moved to Unfinished Business on the next agenda.

The Commission voiced no objections to Chairman Satre's proposal.

Applicant
Applicant Richard Harris said that Light Commercial zoning can be and has in the past been allowed within MediumDensity Residential designations regardless of density. There will be a fair amount of wetlands involved with this property, said Mr. Harris. The lot location and the streets will all be dictated by the location of the wetlands, said Mr. Harris.

As they were reviewing the property, they noticed that the portion of the property along Glacier Highway is very loud, said Mr. Harris. He said that is why they changed their initial application for all D 18 zoning to Light Commercial zoning along the Highway. He said he feels that is a far better use for that portion of the land.

Mr. Harris said the Comprehensive Plan does state that there should be Light Commercial development along busy thoroughfares and high visibility areas. He quoted the newly adopted Juneau Economic Development Plan which states that an adequate supply of properly zoned land is available for commerce and industry as well as residential development. The Plan encourages support of neighborhood-based small business growth that creates jobs and provides services, said Mr. Harris, reading from the Plan.

The Juneau Economic Development Plan survey showed that lack of land for commercial and residential use was the biggest concern of the community. With the above concerns, said Mr. Harris, he said he found it difficult to believe that density would be a reason for denying a rezone request.

Commission Comments and Questions
Mr. Watson asked if Mr. Harris found that due to wetlands he could not construct as many dwellings as he had planned for the land behind the Light Commercial zone, if he would consider reducing the amount of space in the Light Commercial zone in favor of residential development, or would the Light Commercial land remain that way regardless of how many units could be constructed on the residential land abutting it.

They want to block sound coming up to the residential lots from the roads, said Mr. Harris, and he said that he believed Light Commercial zoning was the best zone selection for that property along Glacier Highway.

Public Comment
Mike Ban, Associate Broker for Exit Realty, spoke in support of the rezone request. He said the residential lots were important but that options could remain open with the Light Commercial

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zoning that was proposed.

Commission Comments and Questions
Mr. Haight asked from a marketing perspective when speaking of Light Commercial zoning, what type of development would Mr. Ban consider for this particular area.

Mr. Ban said he would think of Commercial zoning that would encourage walkable neighborhoods as supported by the Juneau Economic Development Plan. He said he envisions smaller businesses and professional offices for the proposed Light Commercial portion of the land.

Public Comment
Greg Stopher, President of the Southeast Alaska Building Industry Association, said he fully supported the rezone request. He said if he lived in the area, he would like to be able to walk to a yoga studio, which is the type of development he envisioned for the Light Commercial portion of the property. He added that Juneau needed the density in zoning. Higher density results in lower cost to the buyer for their homes, he said.

Resident Doug Wesley said that higher density housing for the community may be needed, but that it was needed in a different location. He said that the area is composed of primarily single family residences, and that he hears the same argument that single-family dwellings are needed for the community. Regarding the claim by the applicant that the commercial zoning strip was needed as a buffer, Mr. Wesley stated that to him a buffer is composed of open space. He said there was no guarantee that high density housing would equal affordable housing.

Marciano Duran, developer of the adjacent Vista Del Sol housing development, spoke against the proposed rezone. He said the noise along the road is not that loud and that Commercial Light zoning was not the way to lessen its effects. Mr. Duran said the zoning should remain at its current D5 zoning.

Josette Duran, a co-developer of the adjacent Vista Del Sol housing development, also spoke against the proposed rezone. Ms. Duran said in the past the Commission had placed a least a 200 foot buffer between D15 zoning and multi-family housing on a parcel of land in the area. There are ways to mitigate noise which do not include the necessity of erecting a commercial building, said Ms. Duran. Ms. Duran questioned how the Assessor could make the assessment that the rezone would have no impact on the area when there were not yet plans to show what the development would entail.

Area resident Steve Haavig spoke against the proposed rezone request. He said there do currently exist small businesses in the area which do not negatively impact the residents by increasing traffic or noise such as a small charter operation and electrical business.

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MOTION: *by Mr. Watson, to extend the meeting until 11:15 p.m.*

The motion passed with no objection.

Resident in the area Roger Sams said he has lived in the area for 40 years and that his property is adjacent to the parcel up for rezone. He said he is opposed to the project, and that he does not feel the density levels of the requested zoning are appropriate for the area. They would like to maintain a stable environment for their neighborhood, said Mr. Sams.

Dave Hannah also spoke against the proposed development, stating that he is usually in favor of development in Juneau, but that zoning changes were a different situation than when discussing particular uses in already approved zoning districts. People buy property and homes expecting that their land will remain the zone it was when they purchased it, said Mr. Hanna. D5 zoned property is actually getting difficult to obtain, said Mr. Hannah, adding that he felt Mr. Duran has showed that successful developments can occur within D5 zoning. If higher density is desired, Mr. Hannah suggested that the Commission consider D10 single-family residential zoning.

Real estate agent Marciano Duran Jr. spoke against the rezoning request. He expressed concern about the potential "500 units" [sic] which would be allowed on the rezone property contributing to an already heavy traffic problem. He said that development should occur on land already zoned for those purposes, and that rezoning this land was not necessary.

Applicant
Mr. Harris said there is currently no proposed project, because at this juncture they are following standard procedure for assessing the viability of a parcel of land. The first step in land development is to obtain the proper zoning, said Mr. Harris. Mr. Harris said their proposal follows the guidance of both the Comprehensive Plan and the Juneau Economic Development Plan which state that Juneau should encourage, promote and provide for Commercial and Mixed-Use zoning. Mr. Harris stated that he feels the proposed rezone would fit nicely within the area.

MOTION: *by Mr. Watson, to extend the meeting until 11:30 p.m.*

The motion passed with no objection.

Commission Comments and Questions
Ms. Grewe asked Mr. Harris if he had thought of D10 or D15 zoning instead of the D18 zone request.

The D18 zone is where they want to be for creating the maximum amount of housing in relation to the cost of the land, said Mr. Harris.

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Mr. Watson asked Mr. Harris if they understood there may be additional buffer requirements for the property.

Mr. Harris said he understood that buffers may be required.

Mr. Jackson said his biggest concern was an adequate buffer between the Light Commercial and D18 zones. Mr. Jackson said he was not in favor of the rezone request at this time.

Chairman Satre asked Mr. Harris if he would be comfortable if the Commission followed the staff's recommendation for zoning the entire parcel D18.

Mr. Harris said they would have to evaluate if they could proceed if the entire parcel was zoned D18 with no Light Commercial property. Zoning will dictate what they build, said Mr. Harris, and the Light Commercial and D18 zones are what he thinks are the best options for the property.

Commission Comments and Questions
Mr. Watson said Vista Del Sol had been required to put in an access road, and he asked how that abutted the applicant's property line.

Mr. Lange said it appears that the Vista Del Sol road would connect to the parcel of land in the reserve portion, not at the housing portion of the development.

Mr. Watson repeated his question earlier for the staff regarding what the Department considers an adequate buffer between either Light Commercial or D18-zoned land.

One of the requirements for adjacent zoning districts is that the abutting district have a setback where it abuts the other zone equal to the less densely zoned land that it abuts, said Mr. Lange.

Mr. LeVine asked if D18 zoning was approved for the entire parcel, if additional adequate buffers potentially in addition to the setback requirements could be recommended.

Buffers can be added as a condition on a rezone when it is approved, said Mr. Lange.

MOTION: *by Mr. Voelckers, on AME2015 0005, to rezone the 19.71 acres from D5 to D10.*

In support of his motion Mr. Voelckers stated that he agrees with a lot of the testimony against Light Commercial zoning for this particular area. He added that he feels even D18 zoning is too abrupt a change from the existing residential D5 zones. While saying that he is fully in support of walkable communities, Mr. Voelckers said those types of communities are contingent upon a more urban structure.

MOTION: *by Mr. Watson, to extend the meeting until 11:45 p.m..*

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The motion passed with no objection.

Mr. Watson spoke against the motion, stating he felt the applicant has made a good argument for D18 zoning, and that it is consistent with the Comprehensive Plan. Mr. Watson said he was not in favor of the Light Commercial rezone request.

Mr. Peters also spoke against the motion, stating that he felt D18 zoning was appropriate for the area.

Ms. Grewe stated that she supported the motion in favor of rezoning the entire parcel to D10, and that D18 zoning would be too abrupt of a change for the adjacent property owners. An informed buyer when buying their home checks the zoning of the area, and they assume a certain consistency of that zone, said Ms. Grewe.

Mr. LeVine said he agreed with Ms. Grewe; that a D10 zone would be a fair compromise.

Neighborhood harmony is an important component of any rezone, said Mr. Haight. He said he feels this area is comprised of single family housing and that there are other areas defined for multi-family dwellings. Mr. Haight said he felt with D10 zoning, the harmony and balance of the neighborhood could still be maintained.

Chairman Satre said on the topic of buffers, that they do not work. He said in his 10 years on the Planning Commission that the proper way to buffer is by zoning appropriately. One should not put buffers in place to correct zoning mistakes, said Chairman Satre. Even though D18 zoning may be consistent with the land use maps of the Comprehensive Plan, when you look at the actual area it is not appropriate, said Chairman Satre. Chairman Satre said that he felt D5 zoning at this time was the correct zoning for the area. He would vote in favor of the motion if he was the deciding vote simply to let it progress for the Assembly's review, said Chairman Satre.

Roll Call Vote:

Yeas: Voelckers, Grewe, Haight

Nays: Miller, Jackson, LeVine, Peters, Watson, Satre

The motion fails.

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MOTION: *by Mr. Levine, that the Commission deny the zoning request and that the Commission recommend to the Assembly that the land remain zoned D5.*

Speaking in opposition to the motion, Mr. Watson said that he maintains his position of D18 zoning for the entire parcel.

Roll Call Vote:

Yeas: Miller, Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Peters, Watson

The motion passes.

TXT2009-00001:	Proposed Title 49 and Title 4 changes regarding the subdivision of land.
Applicant:	CBJ
Location:	Borough-wide

Staff Recommendation
Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

To be referred to the Subdivision Review Committee.

X. BOARD OF ADJUSTMENT *(The following two items will be taken up at the next Regular Planning Commission meeting under "Unfinished Business" on April 28, 2015.)*

VAR2015 0006:	Variance request to reduce the street side yard setback from 13 feet to 4 feet.
Applicant:	Northwind Architects
Location:	635 Alder Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0006. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.

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3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
4. During construction the driveway shall be realigned with the new garage four feet to the south.

VAR2015 0007:	Variance request to reduce the rear side yard setback from 20 feet to 6 feet.
Applicant:	Northwind Architects
Location:	635 Alder Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0007. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until all requirements of the building inspection are complete.
2. Without a lot consolidation, no Certificate of Occupancy shall be issued until the deck receives a Variance to the required setbacks.
3. During construction the driveway shall be realigned with the new garage four feet to the south.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT - None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 11:36 p.m.

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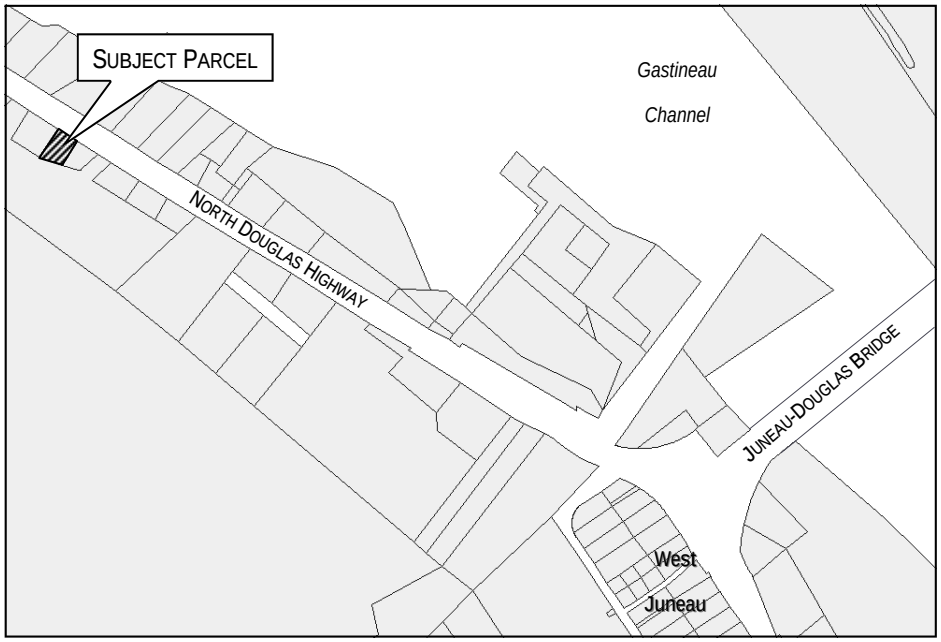
NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **VAR2015 0012: Variance request to reduce the side yard setback from 10 feet to 5 feet.**
VAR2015 0013: Variance request to reduce the front yard setback from 20 feet to 10 feet.

File No:	VAR2015 0012 and VAR2015 0013	Applicant:	Peter Strow
To:	Adjacent Property Owners	Property PCN:	6-D06-0-105-005-4
Hearing Date:	May 26, 2015	Owner:	Peter Strow
Hearing Time:	7:00 PM	Size:	7699 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	3919 North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	Juneau, Alaska 99801		

** A Variance request could include the elimination of all dimensional standards.

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 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week 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 Chrissy McNally at Christine.McNally@juneau.org or 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at http://www.juneau.org/assembly/novus.php

Date notice was printed: April 23, 2015

Community Development

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

DATE: May 12, 2015

TO: Board of Adjustment

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: VAR2015 0012

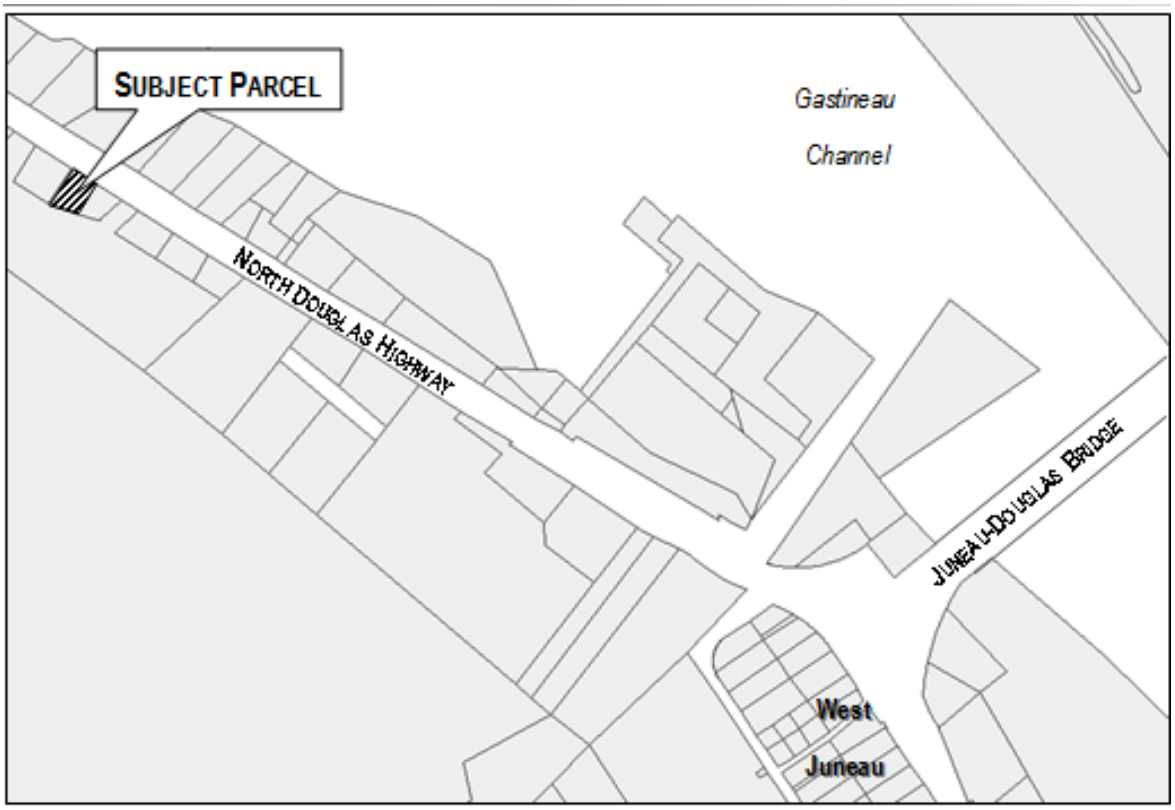
PROPOSAL: Variance request to reduce the side yard setback from 10 feet to 5 feet to allow construction of a shop and garage with an apartment.

GENERAL INFORMATION

Applicant:	Peter D. Strow
Property Owner:	Peter D. Strow
Property Address:	3919 N Douglas Highway
Legal Description:	Hemlock Hills Lot 2
Parcel Code Number:	6-D06-0-105-005-4
Site Size:	7,699 square feet
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR)
Zoning:	D-18
Utilities:	City water and sewer
Access:	North Douglas Highway
Existing Land Use:	Vacant

Surrounding Land Use:	North	- D-3 single family/duplex
	South	- D-18 multifamily
	East	- D-3 single family duplex/D-18 multifamily
	West	- D-3 single family duplex/D-18 multifamily

Vicinity Map



ATTACHMENTS

Attachment A: Variance application
Attachment B: Plat
Attachment C: Notice of Decision VAR2011 0024
Attachment D: Photo of property line
Attachment E: Public notice

PROJECT DESCRIPTION

The applicant is requesting a reduction to the side yard setback from 10 feet to 5 feet to construct a 24 foot wide by 36 foot long, two-story structure. The first floor would be used as a shop and garage with a dwelling unit on the second floor. The applicant has an additional Variance request to the front yard setback addressed in VAR2015 0013. Staff conducted a site visit on May 1, 2015 to review the proposal and site with the applicant.

BACKGROUND

Prior to the creation of the subject parcel, the original parcel was rezoned from D-3 to D-18 in 2010. The minimum lot size required in the D-18 zoning district is 5,000 square feet. The minimum setbacks are 20 feet in the front, 10 feet in the rear yard and 5 feet on the side yards. However, the subject lot is bordered on the northwest by a lot zoned D-3 (Vicinity map). The side yard setback for the D-3 zoning district is 10 feet. According to CBJ 49.25.400 *Table of Dimensional Standards*, when one district abuts another, the greater of the two setback requirements applies to both lots along the common property line. Therefore, the subject lot has a 10 foot side yard setback on the northwest property line.

The subject property is located a half mile north of the Juneau Douglas Bridge on North Douglas Highway. North Douglas Highway is classified by the City and Borough of Juneau as a minor arterial. According CBJ 49.40.130 subdivision of lots fronting on a minor arterial are required to meet the minimum lot size of the D-1 zoning district of 36,000 square feet.

The property was platted in 2013 as part of the Hemlock Hills Subdivision consisting of three lots (Attachment B). Prior to the subdivision, the property owner was granted a Variance to the minimum lot size requirement of 36,000 square feet. The subject lot is 7,699 square feet, the adjacent lot to the southeast is 5,465 square feet and the lot to the west is 3.92 acres. Both substandard lots are owned by the applicant.

CBJ 49.40.130 further stipulates that new lots along a minor arterial must have shared access and have a parking area sufficient enough to prevent back out parking. The plat denotes a shared hammerhead driveway for the subject lot and the adjacent Lot 1 to the southeast. The driveway was constructed prior to the current owner acquiring both lots. Lot 1 is developed with a 400 square foot residence. The subject lot is vacant and the owner is now planning to construct a 24 foot by 36 foot two-story structure. The first floor will be used as a shop and garage with an apartment on the second floor. The property owner intends to maintain ownership of both parcels, continue residing in the residence on Lot 1 and rent the proposed residence on Lot 2.

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Allowing the proposed 24 foot by 36 foot two-story structure would provide relief to the property owner involved in that he would be able to provide the required parking for both the subject lot and Lot 1 and continue to provide adequate turnaround space in the driveway as required by the approval of VAR2011 0024. Providing adequate turnaround will prevent vehicles from backing in from or out onto North Douglas Highway. This relief is a safety consideration for the property owner and future renter of the proposed apartment as well as for drivers along North Douglas Highway.

The applicant has stated that he spoke with the neighbor to the northwest that owns the D-3 zoned lot. According to the applicant the property owner had no objection to the proposed Variance. The neighborhood is a mix of D-3 and D-18 zoning with many structures that do not meet the minimum setbacks for either zoning district. Therefore, the relaxation would be consistent with justice to other property owners.

YES. This criterion is met.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

The intent of Title 49 is established in CBJ 49.05.100 Purpose and Intent as follows:

1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;
2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;
3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements and in general to promote public health, safety and general welfare;
5) To provide adequate open space for light and air; and
6) To recognize the economic value of land and encourage its proper and beneficial use.

Given the lot was granted a Variance to the minimum lot size and that the other criteria of CBJ 49.40.130 must be met with regard to the shared driveway and adequate space to prevent backout parking, a reduction to the side yard setback would secure the beneficial impacts of growth by ensuring adequate space for vehicle circulation.

YES. This criterion is met.

3. That the authorization of the Variance will not injure nearby property.

As previously stated, the applicant spoke to the adjacent property owner of the D-3 zoned lot. According to the applicant, the neighbor has no opposition to the proposal. The applicant stated he will have to remove some of the trees that run along the common property line, but plans to replace whatever he removes (Attachment D). This vegetative buffer will ensure the proposed structure is adequately shielded from the adjacent neighbor's view and will not change the look or feel of the neighboring property. No evidence has been presented to indicate the requested Variance will injure nearby property.

YES. This criterion is met.

4. That the Variance does not authorize uses not allowed in the district involved.

A single family residence and garage is allowed in all zoning districts.

YES. This criterion is met.

5. That compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible

principal use;

The applicant could reduce the size of the proposed structure to 744 square feet and meet the required side yard setback of 10 feet as well as provide adequate space for vehicle circulation.

NO. This sub-criterion is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The subject property is required to share an access point with Lot 1. The only available area to construct a driveway and parking area for the two lots is on the buildable portion of Lot 2 that is below the slope. The increased side yard setback of 10 feet in addition to the parking requirement limit the more cost effective building site on the lot. The applicant would be forced to build on top of the slope which would be more expensive and impractical as there would be no driveway or vehicular access to the garage. Reducing the side yard setback to the D-18 standard of 5 feet would allow the applicant to use the property in a manner consistent with existing development in the neighborhood.

YES. This criterion is met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

While the lot is divided by a steep slope that would require reinforcement if it were to be disturbed, the reduction in the side yard setback would not affect the slope whether development met the 10 foot setback or the a 5 foot setback. Therefore, this criterion is not met.

NO. This sub-criterion is not met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

There are no preexisting nonconforming conditions on the subject parcel.

NO. This sub-criterion is not met.

6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.

Allowing for 5 feet of additional space for circulation in the driveway will help ensure vehicles can safely turnaround without having to back out onto North Douglas Highway. Adequate parking space will discourage backout parking to North Douglas Highway. This will be a benefit to the neighborhood.

The neighborhood is a mix of D-18 and D-3. Many of the properties in the D-3 zone are legally nonconforming in that they do not meet the required setbacks. Further, based on the lot size and zoning, the owner is allowed to develop the lot with a triplex. The impact of a one bedroom apartment will be far less than if the lot were built to its maximum allowable density.

YES. This criterion is met.

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.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. Will the proposed development comply with the Juneau Coastal Management Programs?

Not Applicable.

3. Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?

YES. Based on the analysis above, staff finds that the proposal meets the criteria of CBJ 49.20.250, Grounds for Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **approve** the requested Variance, VAR2015 0012. The Variance permit would reduce the side yard setback from 10 feet to 5 feet to allow construction of a shop and garage with an apartment.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/10/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description: BUILD A GARAGE WITH A SMALL MOTHER-IN-LAW APARTMENT

PROPERTY LOCATION

Street Address: 3919 N. DOUGLAS HWY. City/Zip: JUNEAU, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot):

Assessor's Parcel Number(s):

LANDOWNER/LESSEE

Property Owner's Name: PETER D. STROW
Contact Person: PETER D. STROW
Work Phone: 907.523.3329
Mailing Address: 3917 N. DOUGLAS HWY
Home Phone: 360.305.6499
Fax Number:
E-mail Address: pstrow@hotmail.com
Other Contact Phone Number(s):

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 [signature] Landowner/Lessee Signature — Date: 4/8/15

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 [signature] Applicant's Signature — Date of Application: 4/8/15

STAFF APPROVALS

OFFICE USE ONLY BELOW THIS LINE

✓	Permit Type	Assign	Date Received	Application Number(s)
	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)			
X	Variance Case (De Minimis and all other Variance case types)		4/10/15	VAR 15-013
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: ANF

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		var 15-212	4/10/15

TYPE OF VARIANCE REQUESTED:

- [ ] Variance to the Sign Standard (VSG)
- [ ] Variance to Dimensional Standards (VDS)
- [ ] Variance to Habitat Setbacks (VHB)
- [ ] Variance to Parking Requirements (VPK)
- [x] Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
CONSTRUCTING A GARAGE IN A D-8 ZONED LOT WHICH ADJOINS A D-3 ZONED LOT. THE D-3 LOT HAS A MINIMUM SETBACK OF 10'; I AM REQUESTING A sideyard SETBACK OF 5' OR LESS. THE REDUCED SETBACK IS TO ALLOW FOR INCREASED TURNAROUND SPACE AND PREVENT BACKING OUT ONTO DOUGLAS HWY.

Previous Variance Applications? [ ] YES [x] NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? [ ] YES [ ] NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): A SMALL LOT WITH A SHARED HAMMERHEAD DRIVEWAY. THE ADJOINING LOT IS ZONED DIFFERENTLY SO THE SETBACK REQUIREMENT DEFAULTS TO THE LOT WITH THE GREATER MINIMUM SETBACK REQUIREMENT.

UTILITIES AVAILABLE: WATER: [x] Public [ ] On Site SEWER: [x] Public [ ] On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
ONCE A GARAGE IS CONSTRUCTED WITH A SETBACK OF 5' OR LESS TO THE ADJOINING LOT THERE WOULD BE ADEQUATE SPACE FOR VEHICLES TO TURN AROUND AND PREVENT BACKING OUT ONTO DOUGLAS HWY. THIS INCREASES SAFETY FOR THE OWNER & THE PUBLIC.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
INCREASED RISK OF ACCIDENTS DUE TO LIMITED TURN AROUND SPACE THUS INCREASING THE POTENTIAL FOR BACKING OUT ONTO DOUGLAS HWY.

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$400.00			4/10/15
Adjustment	$			
Total Fee	$400.00	1857	GAR-PMT	4/10/15

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

ATTACHMENT A

INTAKE REVIEW
Gen Eng.____
POC ANE
IOC ____
Tech. ____

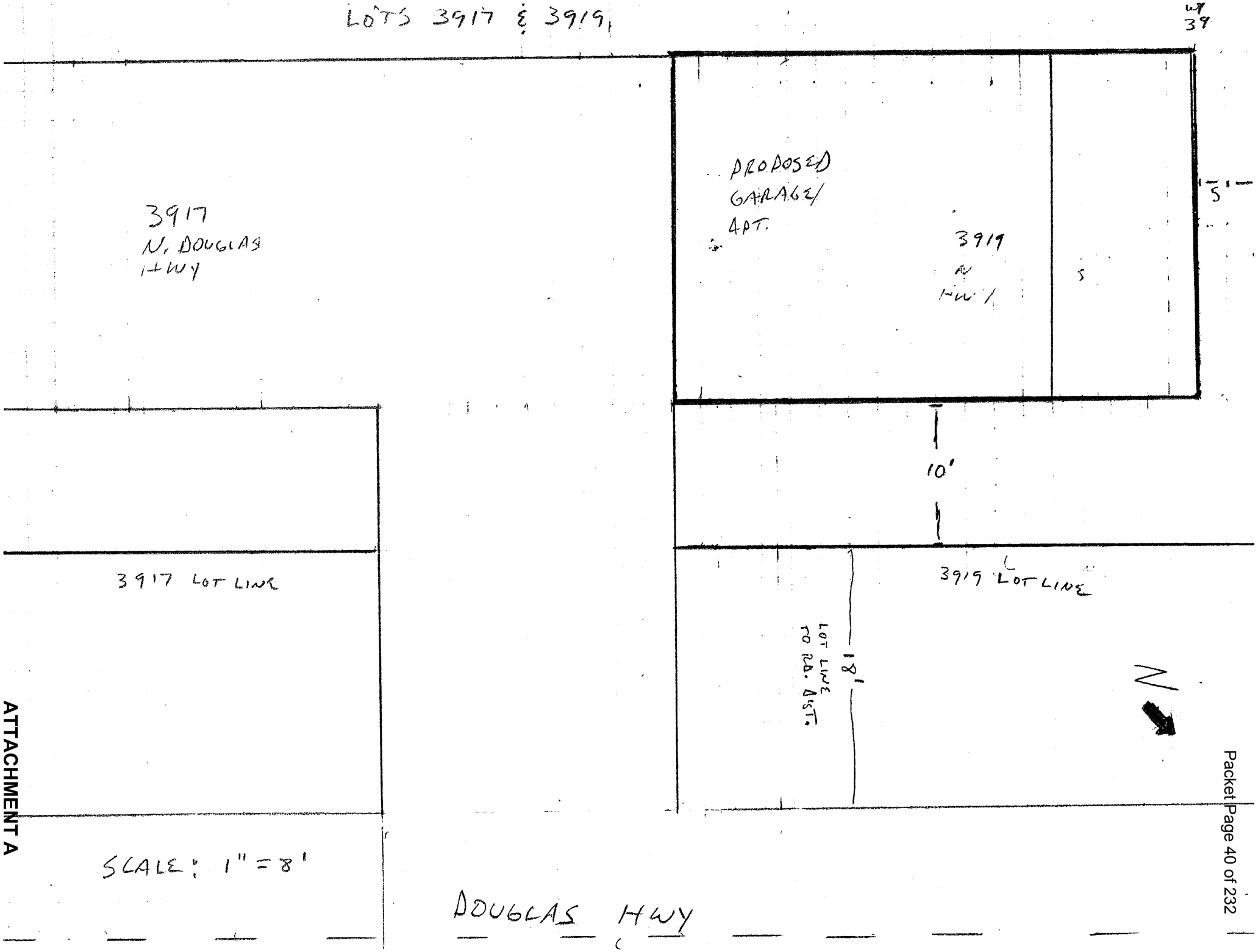
April 8, 2015

Variance Application Project Description

I would like to construct a garage with a mother-in-law apartment on 3919 N. Douglas Highway. Both lots 3917 and 3919 N. Douglas Highway have a shared access hammerhead driveway. The garage/apartment would be constructed on the northeast portion of the hammerhead driveway on Lot 3919. The attic portion of the garage would have a small one bedroom apartment. Currently the section of the driveway where the proposed structure would be located needs to be extended to the west 10' to 15'. This would allow for an adequate turnaround area when exiting the garage with a vehicle or maneuvering from the east side of the hammerhead driveway with a vehicle. Most importantly, this would prevent backing out into North Douglas Highway thus protecting the property owner and the public.

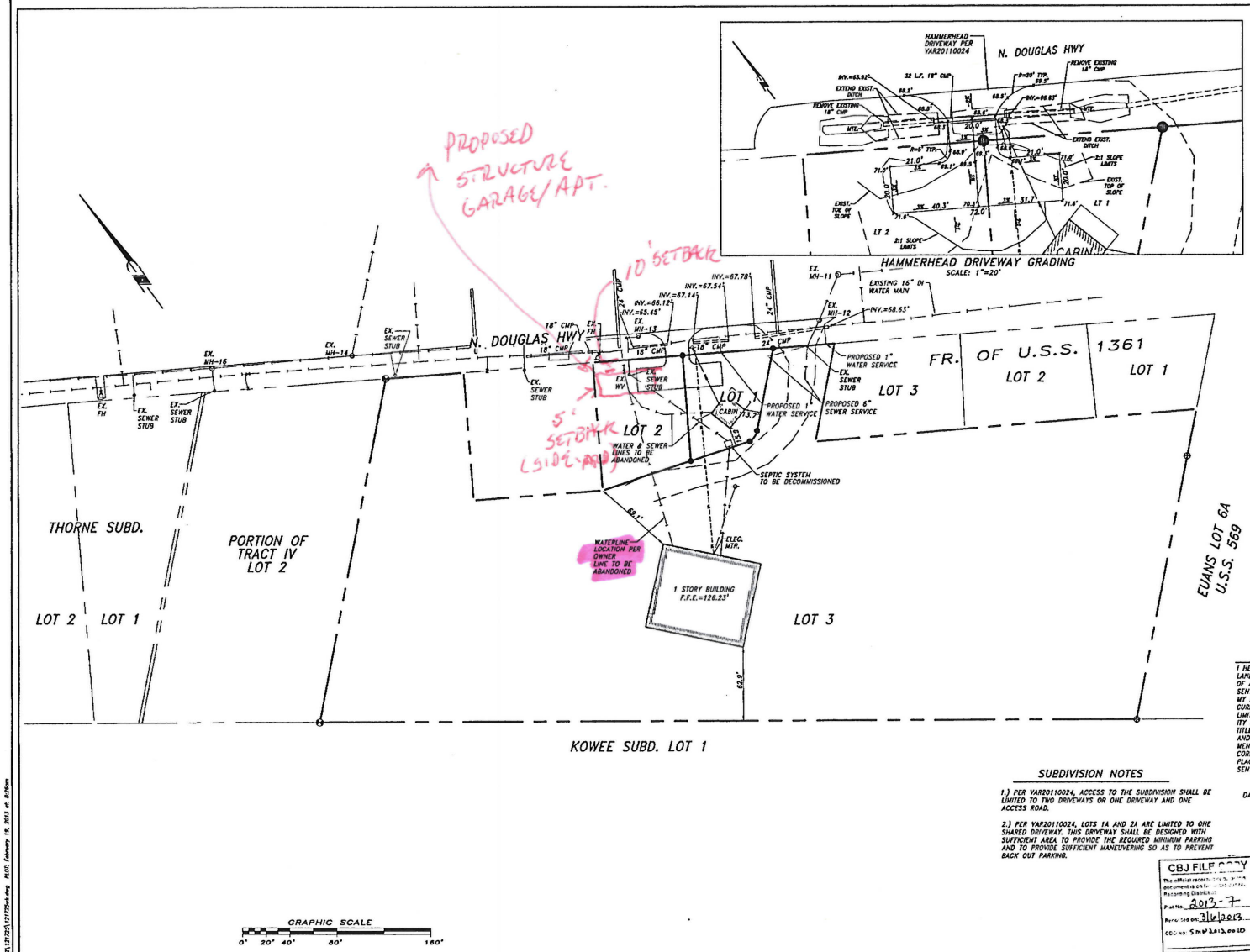
Variance Approval Criteria:

1. Yes allowing a 5' or less setback would give substantial relief to the property owner. The relief would mainly improve the safety of the property owner. Secondly there are numerous structures within the area built with setbacks of 5', thus this relaxation would be more consistent with the justice granted to other property owners.
2. The primary purpose of the requested variance is for the safety of the public and the safety of the landowner.
3. The variance in no way would injure nearby property. I have spoken to owner of the adjoining property this would affect and this person had no objection to a garage being 5' closer to his property than standard setback requires.
4. No, the property is zoned D-18 which would normally allow for a 5' setback but the adjoining property is zoned D-3 so the setback defaults to the zoning with the greater setback i.e. 10'. Secondly, a garage with an apartment is allowed in the district involved in this variance request.
5.
   A. It would unreasonably prevent the owner from safely using the space and could potentially be harmful to the public.
   B. Yes it could prevent the owner from constructing a garage/apartment which is commonplace in the neighborhood.
   C. Given the lot is small and steep much of the area is not suitable for constructing a garage. The relaxation of the setback requirement would allow for a garage/apartment to be constructed on a suitable preexisting pad and allow for a safe turnaround area and prevent backing out into North Douglas Highway.
   D. The lot does not have preexisting nonconforming conditions.
6. The grant of variance would primarily result in increased safety for the neighborhood given it would prevent backing out into North Douglas Highway. In no way would this be detrimental to the neighborhood.

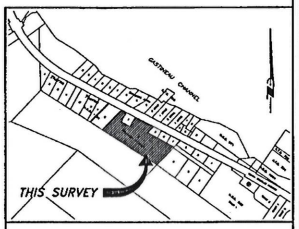


ATTACHMENT A

R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



HAMMERHEAD DRIVEWAY GRADING
SCALE: 1"=20'



VICINITY MAP
SOURCE: C.B.J. ATLAS
SCALE: 1"=400'

LEGEND

- GLO MONUMENT (RECOVERED)
- SECONDARY MONUMENT (RECOVERED)
- 7570-S SECONDARY MONUMENT (ESTABLISHED)
- PROPERTY / BOUNDARY LINE
- GRAVEL DRIVE

GENERAL NOTES

1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN A RECOVERED GLO MONUMENT FOR C4 U.S.S. 1361 AND A 3" BRASS CAP WITH NO MARKINGS, HAVING A RECORD BEARING OF S46°44'00"W.

2.) THE SOURCE DOCUMENT UTILIZED TO PRODUCE THIS PLAT IS PLAT NO. 269, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 325, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 83-21, THORNE SUBDIVISION, PLAT NO. 83-214W, SUBDIVISION OF TRACT IV U.S.S. 1361, PLAT NO. 86-44, SUBDIVISION OF LOTS 2 & 3 FRACTION OF TRACT IV U.S.S. 1361, FILED AT THE JUNEAU RECORDING DISTRICT.

3.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.

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6.) DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.

7.) 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.

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.

STATE OF ALASKA 49TH MARK A. JOHNSON US LS 7570 REGISTERED PROFESSIONAL LAND SURVEYOR

DATE: 2-19-13

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CBJ FILE COPY
The official record document is on file with the Juneau Recording District as:
Plat No. 2013-7
Recorded on: 3/6/2013
CBJ Job: SMP2012.0010

UTILITY PLAN
OF
HEMLOCK HILLS SUBDIVISION
A SUBDIVISION OF
LOT 3, FRACTION OF TRACT IV, USS 1361
WITHIN THE CITY AND BOROUGH OF JUNEAU
JUNEAU RECORDING DISTRICT

OWNER:
SQUARE KNOT DEVELOPMENT, LLC
13915 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

SCALE: 1"=40'
SHEET 2 OF 2

SURVEYOR:
R&M ENGINEERING, INC.
8205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: FEB. 19, 2013
R&M PROJ. NO. 121725

A:\2012\121725\121725sh.dwg PLOT: February 19, 2013 at: 8:26am

ATTACHMENT A

INTAKE REVIEW
Gen Eng.____
POC ANE
IOC ____
Tech. ____

April 8, 2015

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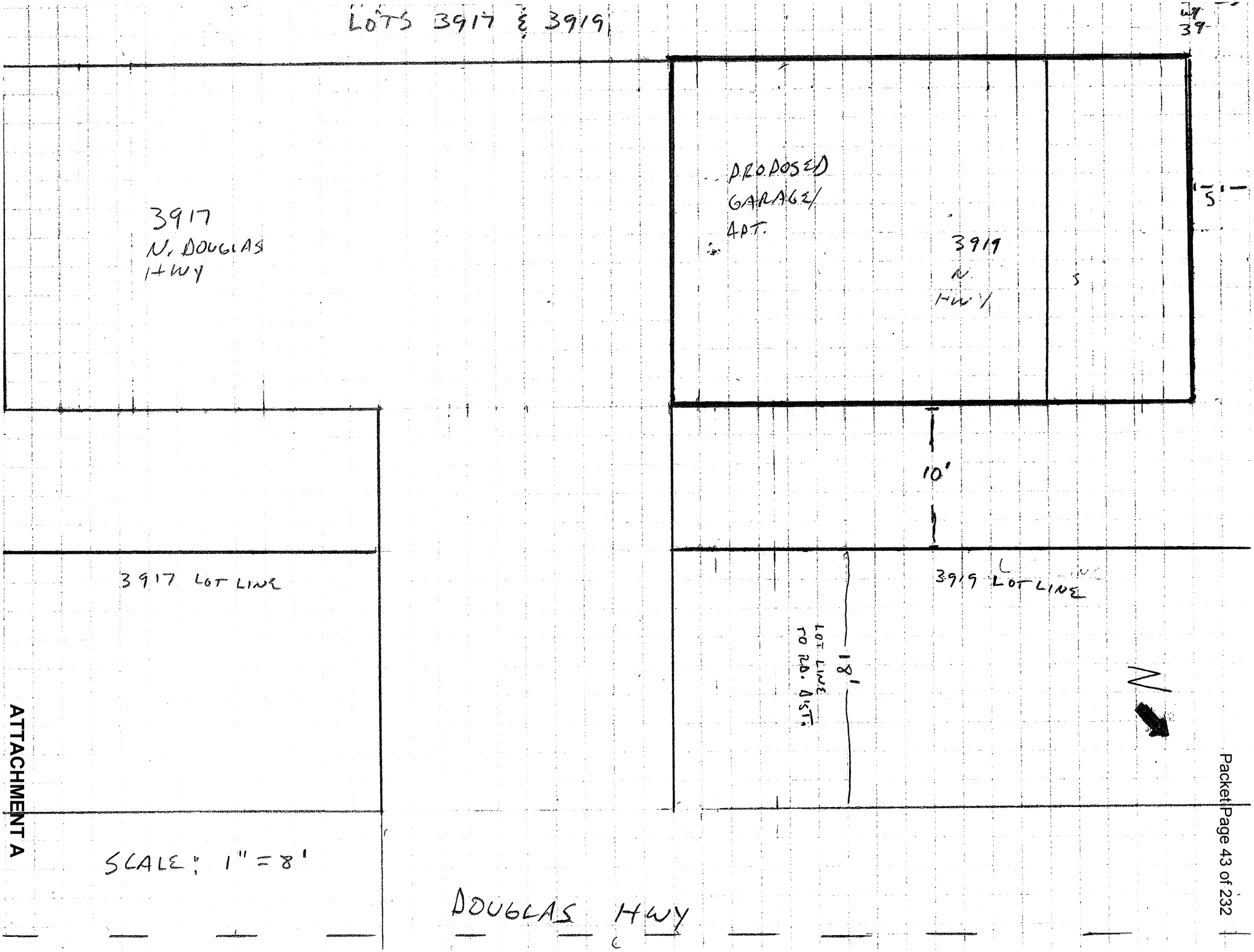

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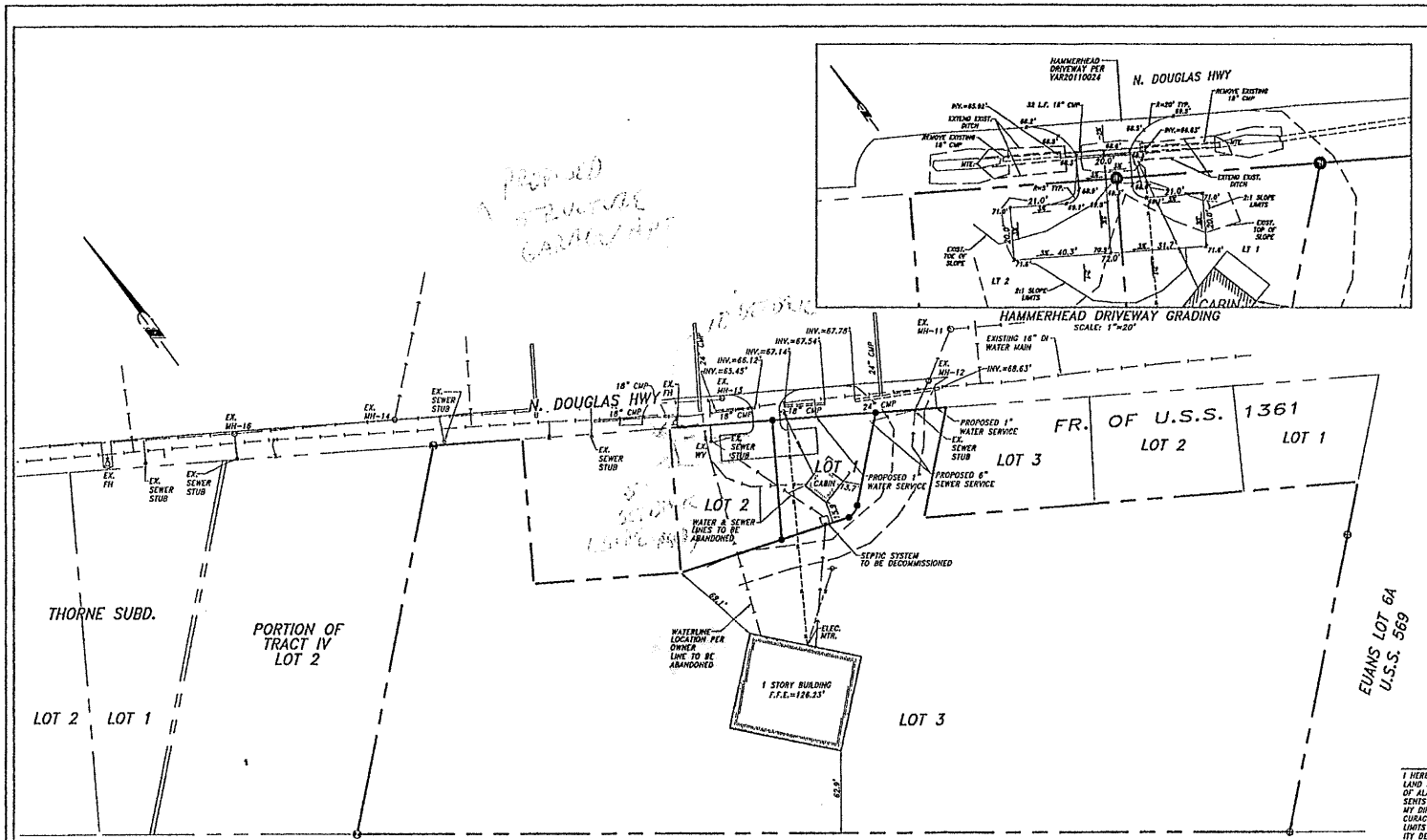
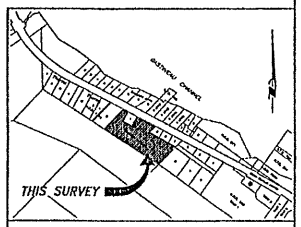


HAMMERHEAD DRIVEWAY GRADING
SCALE: 1"=20'



VICINITY MAP
SOURCE: C.B.J. ATLAS
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STATE OF ALASKA 4911 MARK A. JOHNSON 15 FEB 2013 REGISTERED PROFESSIONAL LAND SURVEYOR

DATE: 2-18-13

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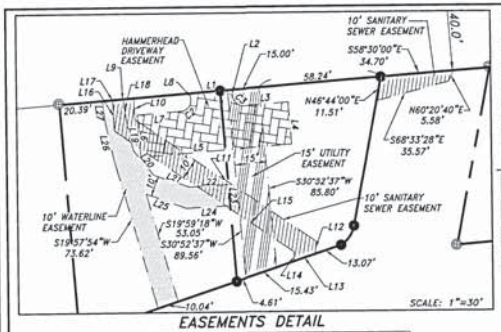
CBJ FILE COPY
The official record is the film version recorded with the Juneau Recording District.
Plat No. 2013-7
Recorded 3/6/2013
CFO NO. SMM 2013.0010

UTILITY PLAN
OF
HEMLOCK HILLS SUBDIVISION
A SUBDIVISION OF
LOT 3, FRACTION OF TRACT IV, USS 1361
WITHIN THE CITY AND BOROUGH OF JUNEAU
JUNEAU RECORDING DISTRICT

OWNER: SQUARE KNOT DEVELOPMENT, LLC, 13915 GLACIER HIGHWAY, JUNEAU, ALASKA 99801
SCALE: 1"=40'
SHEET 2 OF 2
DATE: FEB. 19, 2013
SURVEYOR: R&M ENGINEERING, INC. 8183 GLACIER HIGHWAY JUNEAU, ALASKA 99801
R&M PROJ. NO. 131725

R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



EASEMENTS DETAIL

HAMMERHEAD DRIVEWAY EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S58°30'00"E	20.00'
L2	S31°31'23"W	3.01'
L3	S58°30'00"E	21.00'
L4	S31°30'00"W	20.00'
L5	S58°30'00"E	72.00'
L6	S31°30'00"W	20.00'
L7	S58°30'00"E	21.00'
L8	S31°31'24"W	3.01'

SANITARY SEWER EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L9	S58°30'00"E	10.00'
L10	N33°13'04"E	9.98'
L11	N19°37'24"W	103.85'
L12	N40°16'38"E	5.95'
L13	N72°37'46"W	10.86'
L14	N40°16'38"E	4.41'
L15	N19°37'24"W	103.06'
L16	N33°13'04"E	14.65'

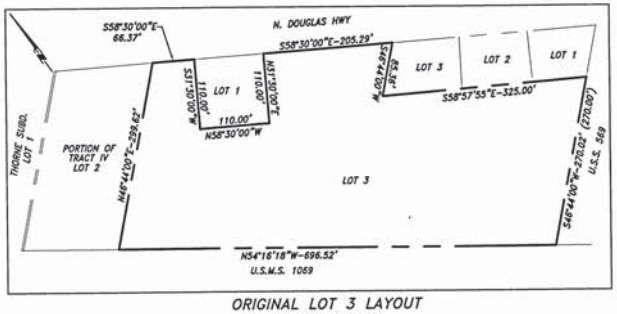
WATER LINE EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L17	S58°50'00"E	10.02'
L18	N27°53'34"E	10.10'
L19	N23°05'40"E	14.51'
L20	N05°13'44"W	15.15'
L21	N34°07'44"W	17.97'
L22	N57°05'41"W	18.57'
L23	S31°30'00"W	10.00'
L24	N57°05'41"W	20.84'
L25	N34°07'44"W	20.21'
L26	N23°05'40"E	17.27'
L27	N27°53'34"E	11.15'

EASEMENT HATCH LEGEND

- SANITARY SEWER EASEMENT
- WATER LINE EASEMENT
- UTILITY EASEMENT
- HAMMERHEAD DRIVEWAY EASEMENT

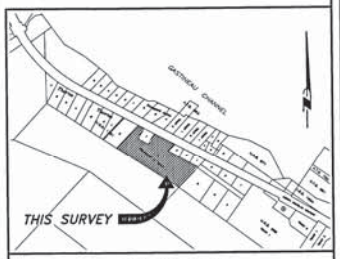
CURVE TABLE					
NUMBER	DELTA ANGLE	CHORD	TANGENT	RADIUS	ARC LENGTH
C1	46°30'27"	S69°59'13"W-11.05'	6.02'	14.00'	11.36'

HAMMERHEAD DRIVEWAY EASEMENT CURVE TABLE					
NUMBER	DELTA ANGLE	CHORD	TANGENT	RADIUS	ARC LENGTH
C2	90°00'00"	N76°30'00"E-7.07'	5.00'	5.00'	7.85'
C3	90°00'00"	S13°30'00"E-7.07'	5.00'	5.00'	7.85'



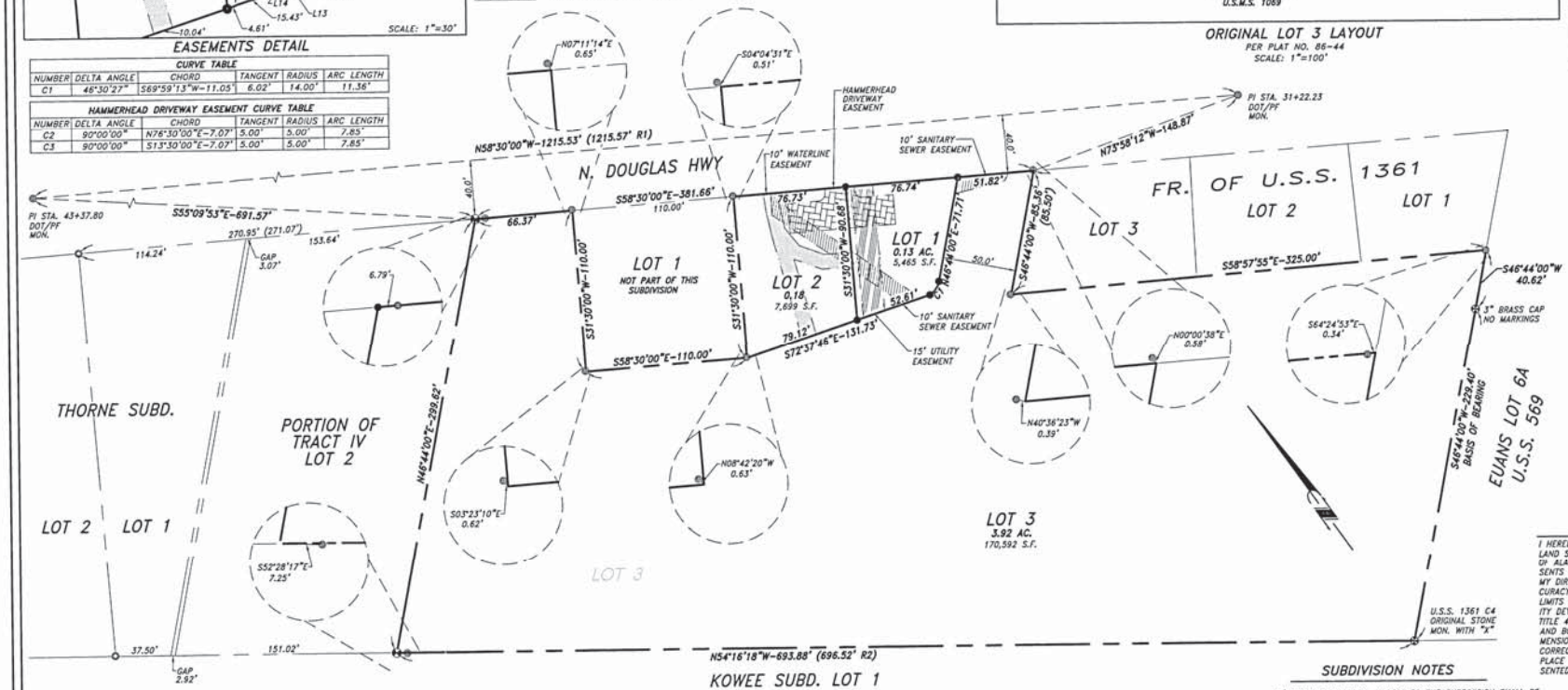
ORIGINAL LOT 3 LAYOUT

PER PLAT NO. 86-44
SCALE: 1"=100'



VICINITY MAP

SOURCE: C.B.J. ATLAS
SCALE: 1"=400'



GENERAL NOTES

1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN A RECOVERED GLO MONUMENT FOR C4 U.S.S. 1361 AND A 3" BRASS CAP WITH NO MARKINGS, HAVING A RECORD BEARING OF S46°44'00"W.

2.) THE SOURCE DOCUMENT UTILIZED TO PRODUCE THIS PLAT IS PLAT NO. 269, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 325, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 83-31, THORNE SUBDIVISION, PLAT NO. 83-214W, SUBDIVISION OF TRACT IV U.S.S. 1361, PLAT NO. 86-44, SUBDIVISION OF LOTS 2 & 3 FRACTION OF TRACT IV U.S.S. 1361, FILED AT THE JUNEAU RECORDING DISTRICT.

3.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.

4.) ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.

5.) THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS.

6.) DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.

7.) 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.

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 REPRESENTED.

DATE: 2-19-13

STATE OF ALASKA 49TH MARK A. JOHNSON 15 1 7570 PROFESSIONAL LAND SURVEYOR

CBJ FILE

The official recorded copy of this document is on file at the Juneau Recording District as:
Plat No. 2013-7
Recorded on 3-6-2013
CCO No: SMR2013-010

TYPICAL MONUMENTS

(ESTABLISHED THIS SURVEY)

R&M ENGINEERING JUNEAU LOT 2 LT 3 2012 7570-S

PRIMARY MONUMENT
3.5" DIA. ALUMINUM BERNTSEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND

JOHNSON + 7570-S

SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND 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.

DATED: 26th Feb., 2013

DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

CITY & BOROUGH OF JUNEAU

ATTEST:

CLERK,
CITY AND BOROUGH OF JUNEAU

CORPORATE OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT SQUARE KNOT DEVELOPMENT, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I, AS SECRETARY AND AUTHORIZED REPRESENTATIVE, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO THE PUBLIC OR PRIVATE USE AS NOTED.

DATED THIS 21 DAY OF February, 2013

SQUARE KNOT DEVELOPMENT, LLC

BY:

LINDA ORR, SECRETARY

GRAPHIC SCALE

0' 20' 40' 80' 160'

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA
FIRST JUDICIAL DISTRICT } ss.

THIS IS TO CERTIFY THAT ON THIS 21 DAY OF February, 2013, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED LINDA ORR 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 08.25.2014

Notary Public
LAURIE L. CARRICK
State of Alaska
My Commission Expires Aug 25, 2014

SUBDIVISION NOTES

1.) PER VAR20110024, ACCESS TO THE SUBDIVISION SHALL BE LIMITED TO TWO DRIVEWAYS OR ONE DRIVEWAY AND ONE ACCESS ROAD.

2.) PER VAR20110024, LOTS 1A AND 2A ARE LIMITED TO ONE SHARED DRIVEWAY. THIS DRIVEWAY SHALL BE DESIGNED WITH SUFFICIENT AREA TO PROVIDE THE REQUIRED MINIMUM PARKING AND TO PROVIDE SUFFICIENT MANEUVERING SO AS TO PREVENT BACK OUT PARKING.

LEGEND

- GLO MONUMENT (RECOVERED)
- 3650-S SECONDARY MONUMENT (RECOVERED)
- 1410-S SECONDARY MONUMENT (RECOVERED)
- 7570-S PRIMARY MONUMENT ESTABLISHED
- 7570-S SECONDARY MONUMENT (ESTABLISHED)
- PROPERTY / BOUNDARY LINE
- EASEMENT LINE
- R1 PLAT NO. 83-31
- R2 PLAT NO. 86-44

PLAT OF

HEMLOCK HILLS SUBDIVISION

A SUBDIVISION OF

LOT 3, FRACTION OF TRACT IV, USS 1361

WITHIN THE CITY AND BOROUGH OF JUNEAU

JUNEAU RECORDING DISTRICT

OWNER:	SURVEYOR:
SQUARE KNOT DEVELOPMENT, LLC 15915 GLACIER HIGHWAY JUNEAU, ALASKA 99801	R&M ENGINEERING, INC. 8205 GLACIER HIGHWAY JUNEAU, ALASKA 99801

DATE: FEB. 19, 2013 SCALE: 1"=40' SHEET 1 OF 2 R&M PROJ. NO. 121725

ATTACHMENT B

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: November 28, 2011
File No.: VAR20110024

Linda Orr
2103 N. Jordan Avenue
Juneau, AK 99801

Application For:	Variance to minimum lot size for lots fronting on minor arterial and to the requirement for a common access point for a future proposal of a four lot subdivision.
Legal Description:	USS 1361 TR IV LT 3
Property Address:	3915 N. Douglas Hwy
Parcel Code No.:	6-D06-0-105-005-0
Hearing Date:	November 22, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 17, 2011 and amended criterion 2 and 6 to read as follows:

2. *The intent of Title 49 is to ensure that growth and development is in accord with the values of Juneau residents; to identify and secure the beneficial impacts of growth while minimizing negative impacts; to ensure that future growth is of appropriate type, design, and location; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use.*

   Based on the recommendations of the 2009 traffic impact analysis (attachment F) and the discussion in the 2008 Comprehensive Plan about North Douglas Highway, adding new driveways to the North Douglas Highway will have a negative impact on the public health and safety. However, the approval of the variance as requested would preserve the intent of CBJ§49.05.100 (4) to promote public health, safety and welfare, as implemented by CBJ§49.40.130(b) to limit access driveways on arterial roads, as one driveway is proposed to serve multiple properties and minimizes the total number of driveways used in the subdivision, therefore, the intent of this title would be observed.

6. *Adding driveways to the North Douglas Highway is addressed in the 2008 Comprehensive Plan, and recommended against in the TIA commissioned to evaluate rezoning North Douglas. However, in this case, the applicant proposed one driveway to serve multiple properties, therefore minimizing the total number of driveways in this area for this proposed subdivision.*

The Commission approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The plat shall contain a note limiting access to the subdivision to two driveways or one driveway and one access road as shown in the applicant's proposal.
2. The driveway shared by Lots 2 and 3 shall be designed with sufficient area to provide the required minimum parking and to provide sufficient maneuvering so as to prevent back out parking.
3. Prior to recording the subdivision, the residence on proposed Lot 3 shall be relocated to comply with minimum setback requirements, or receive a variance.

Attachment: November 17, 2011, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR20110024

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, November 22, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or May 22, 2011 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: Beth McKibben, Planner
Community Development Department

F/ Maria Gladziszewski, Chair
Planning Commission

Filed With City Clerk

11/29/2011
Date

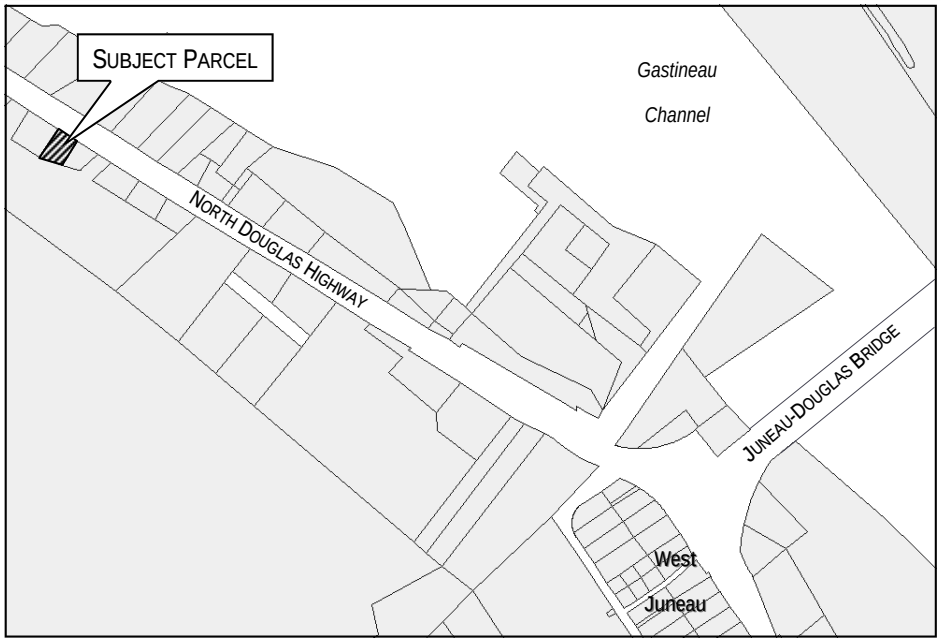
cc: Plan Review

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.

ATTACHMENT C

ATTACHMENT D

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **VAR2015 0012: Variance request to reduce the side yard setback from 10 feet to 5 feet.**
VAR2015 0013: Variance request to reduce the front yard setback from 20 feet to 10 feet.

File No:	VAR2015 0012 and VAR2015 0013	Applicant:	Peter Strow
To:	Adjacent Property Owners	Property PCN:	6-D06-0-105-005-4
Hearing Date:	May 26, 2015	Owner:	Peter Strow
Hearing Time:	7:00 PM	Size:	7699 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	3919 North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	Juneau, Alaska 99801		

** A Variance request could include the elimination of all dimensional standards.

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 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week 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 Chrissy McNally at Christine.McNally@juneau.org or 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at http://www.juneau.org/assembly/novus.php

ATTACHMENT E

Date notice was printed: April 23, 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: May 27, 2015
File No.: VAR2015 0012

Peter D. Strow
3917 N. Douglas Highway
Juneau, AK 99801

Application For:	Variance request to reduce the side yard setback from 10 feet to 5 feet to allow construction of a shop and garage with an apartment.
Legal Description:	Hemlock Hills Lot 2
Property Address:	3919 N. Douglas Highway
Parcel Code No.:	6-D06-0-105-005-4
Hearing Date:	May 26, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated [Date], and [approved/denied/modified] the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: May 12, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0012.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, May 26, 2015

Expiration Date: The permit will expire 18 months after the effective date, or November 26, 2016 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: _____ _____

Chrissy McNally, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

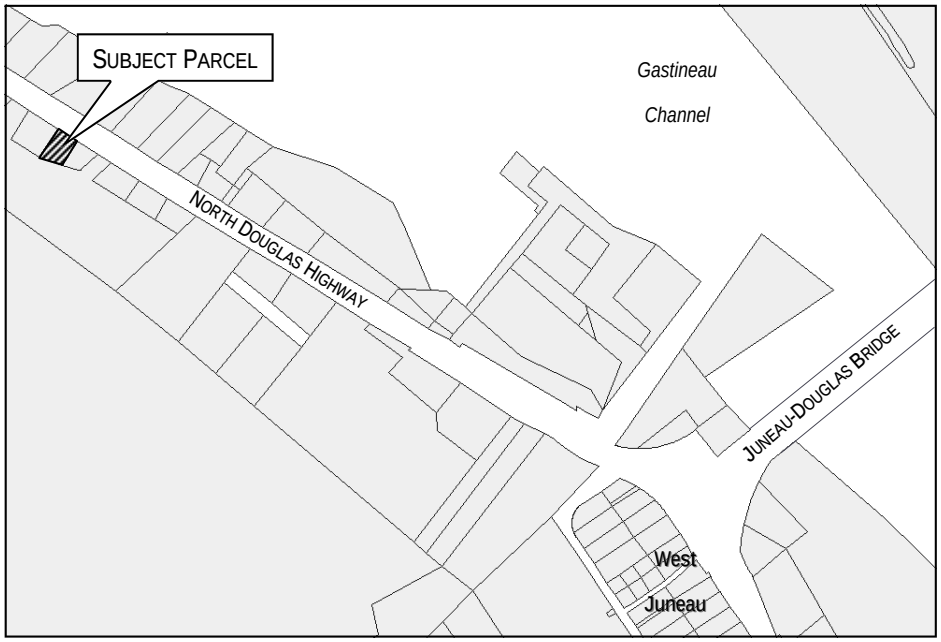
_____ 5/29/2015

Filed With City Clerk Deputy Clerk 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.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **VAR2015 0012: Variance request to reduce the side yard setback from 10 feet to 5 feet.**
VAR2015 0013: Variance request to reduce the front yard setback from 20 feet to 10 feet.

File No:	VAR2015 0012 and VAR2015 0013	Applicant:	Peter Strow
To:	Adjacent Property Owners	Property PCN:	6-D06-0-105-005-4
Hearing Date:	May 26, 2015	Owner:	Peter Strow
Hearing Time:	7:00 PM	Size:	7699 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	3919 North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	Juneau, Alaska 99801		

** A Variance request could include the elimination of all dimensional standards.

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 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week 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 Chrissy McNally at Christine.McNally@juneau.org or 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at http://www.juneau.org/assembly/novus.php

Date notice was printed: April 23, 2015

Community Development

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

DATE: May 12, 2015

TO: Board of Adjustment

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: VAR2015 0013

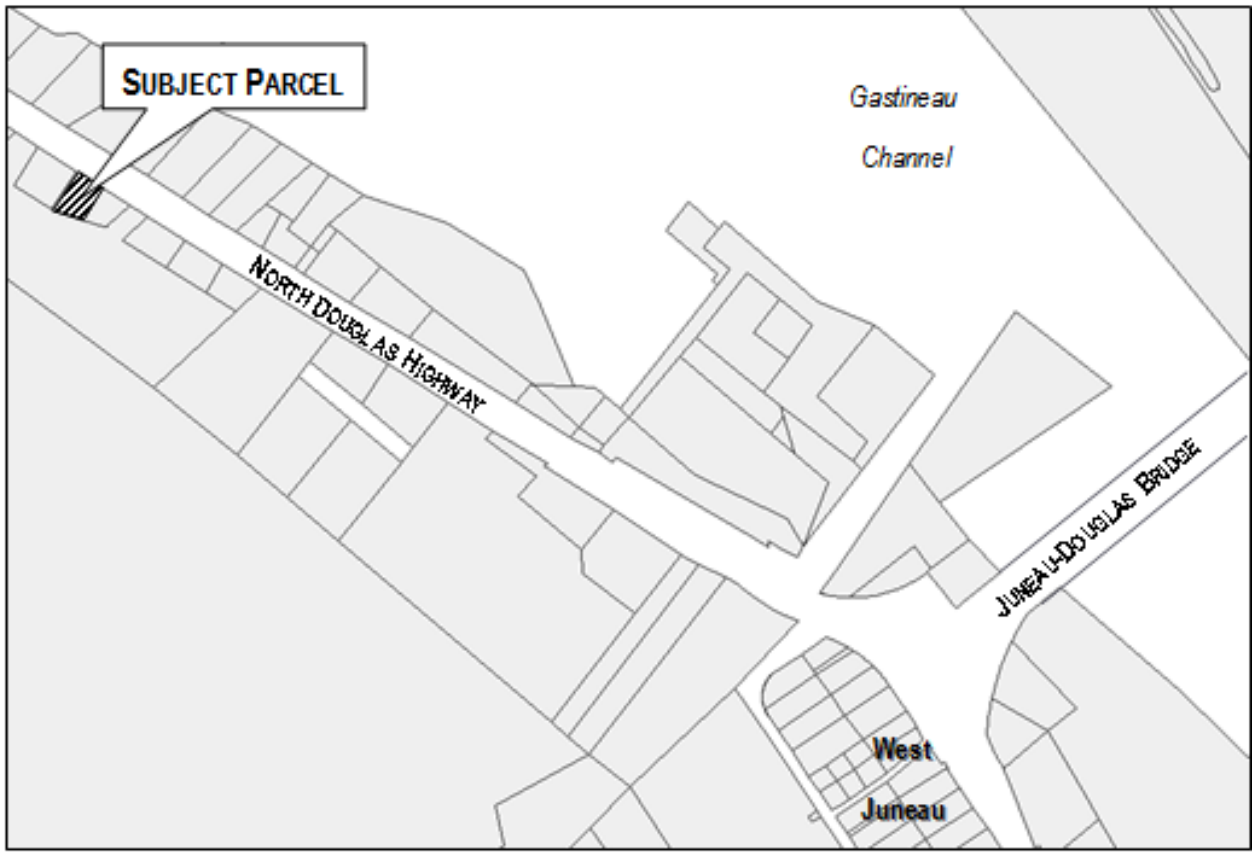
PROPOSAL: Variance request to reduce the front yard setback from 20 feet to 10 feet to allow construction of a garage and shop with an apartment above.

GENERAL INFORMATION

Applicant:	Peter D. Strow
Property Owner:	Peter D. Strow
Property Address:	3919 N Douglas Highway
Legal Description:	HEMLOCK HILLS Lot 2
Parcel Code Number:	6-D06-0-105-005-4
Site Size:	7,699 square feet
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR)
Zoning:	D-18
Utilities:	City water and sewer
Access:	North Douglas Highway
Existing Land Use:	Vacant

Surrounding Land Use:	North	- D-3 single family/duplex
	South	- D18 multifamily
	East	- D-3 single family/duplex/D-18 multifamily
	West	- D-3 single family/duplex/D-18 multifamily

Vicinity Map



ATTACHMENTS

Attachment A: Variance application
Attachment B: Plat
Attachment C: Photo – view looking north
Attachment D: Public notice

PROJECT DESCRIPTION

The applicant is requesting a reduction to the front yard setback from the required 20 feet to 10 feet to construct a 24 foot wide by 36 foot long, two-story structure. The first floor would be used as a shop and garage with a dwelling unit on the second floor. The applicant has an additional Variance request to the side yard setback addressed in VAR2015 0012. Staff conducted a site visit on May 1, 2015 to review the proposal and site with the applicant.

BACKGROUND

Prior to the creation of the subject parcel, the original parcel was rezoned from D-3 to D-18 in 2010. The minimum lot size required in the D-18 zoning district is 5,000 square feet. The minimum setbacks are 20 feet in the front, 10 feet in the rear yard and 5 feet on the side yards. However, the subject lot is bordered on the northwest by a lot zoned D-3 (Vicinity map). The side yard setback for the D-3 zoning district is 10 feet. According to CBJ 49.25.400 *Table of Dimensional Standards*, when one district abuts another, the greater of the two setback requirements applies to both lots along the common property line. Therefore, the subject lot has a 10 foot side yard setback on the northwest property line.

The subject property is located a half mile north of the Juneau Douglas Bridge on North Douglas Highway. North Douglas Highway is classified by the City and Borough of Juneau as a minor arterial. According CBJ 49.40.130 subdivision of lots fronting on a minor arterial are required to meet the minimum lot size of the D-1 zoning district of 36,000 square feet.

The property was platted in 2013 as part of the Hemlock Hills Subdivision consisting of three lots (Attachment B). Prior to the subdivision, the property owner was granted a Variance to the minimum lot size requirement of 36,000 square feet. The subject lot is 7,699 square feet, the adjacent lot to the southeast is 5,465 square feet and the lot to the west is 3.92 acres. Both substandard lots are owned by the applicant.

CBJ 49.40.130 further stipulates that new lots along a minor arterial must have shared access and have a parking area sufficient enough to prevent back out parking. The plat denotes a shared hammerhead driveway for the subject lot and the adjacent Lot 1 to the southeast. The driveway was constructed prior to the current owner acquiring both lots. The development of the driveway leveled the front half of the lot thereby concentrating and increasing the slope of the lot (Attachment C). Lot 1 is developed with a 400 square foot residence. The subject lot is vacant and the owner is now planning to construct a 24 foot by 36 foot two-story structure. The property owner intends to maintain ownership of both parcels, continue residing in the residence on Lot 1 and rent the proposed residence on Lot 2.

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

The lot is split in half by a slope that was developed when the required driveway was constructed (Attachment C). The applicant requests the reduction to the front yard setback to avoid excavating the slope. Disturbance of the slope would require an engineered retaining wall. The applicant estimates this would cost an additional $30-35,000. Building on top of the slope would be more expensive as the slope would still require reinforcement, but would also be impractical as the driveway would not access the garage.

Many structures in the neighborhood do not meet the required 20 foot front yard setback of the D-18 zoning district or the required 25 foot front yard setback for the D-3 zoning district. Therefore this relief is consistent with justice to other property owners. Further, there is 21 feet between the paved traveled way and the property line. With an additional 10 foot setback the structure would be setback from the paved traveled way 31 feet.

YES. This criterion is met

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

The intent of Title 49 is established in CBJ 49.05.100 Purpose and Intent as follows:

1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;
2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;

3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements and in general to promote public health, safety and general welfare;
5) To provide adequate open space for light and air; and
6) To recognize the economic value of land and encourage its proper and beneficial use.

Front yard setbacks provide adequate open space for light and air and, where located along a right-of-way, ensure sight visibility for vehicles entering and exiting properties. The distance between the paved right-of-way and the property line is 21 feet. An additional 10 foot setback would provide 31 feet of undeveloped space between the paved traveled way and the proposed structure. This distance is sufficient to provide space for light and air, provide for sight distance and recognize the development challenges faced by the property owner.

YES. This criterion is met.

3. That the authorization of the Variance will not injure nearby property.

There is no evidence to suggest that a reduction in the front yard setback from 20 feet to 10 feet would injure nearby property.

YES. This criterion is met.

4. That the Variance does not authorize uses not allowed in the district involved.

Single family residences and accessory garages are allowed in all zoning districts.

YES. This criterion is met.

5. That compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

Without an approved Variance to the front yard setback the owner would be required to excavate into the existing slope created by the development of the driveway. This would require an engineered retaining wall adding substantial cost to the project. Further, the development of a garage is only practical if the driveway accesses it; therefore, building on top of the slope is not practical.

YES. This sub-criterion is met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

As previously stated the buildable area of the lot that does not require installation of a retaining wall is limited. The area is further restricted in that the owner is attempting to leave as much vehicle circulation space as possible in order to prevent back out parking onto North Douglas Highway. Without a Variance to the front yard setback, the site would have to be further excavated and a retaining wall installed in order to build a structure consistent as to scale and amenities with existing development in the neighborhood. The majority of the properties in the neighborhood have driveways that access a garage.

YES. This criterion is met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

As previously stated the buildable area of the lot that does not require installation of a retaining wall is limited. The area is further restricted in that the owner is attempting to leave as much vehicle circulation space as possible in order to prevent back out parking onto North Douglas Highway. Without a Variance to the front yard setback, the site would have to be further excavated and a retaining wall installed in order to build a structure that complies with the 20 foot front yard setback.

YES. This criterion is met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

There are no preexisting nonconforming conditions on the subject parcel.

NO. This sub-criterion is not met.

6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.

The granting of the Variance would allow the property owner to build a more affordable dwelling unit than if additional cost were to be added to the project by excavating into the slope. his would result in a benefit to the neighborhood. There is no evidence to suggest that a grant of the Variance reducing the front yard setback to 10 feet would result in any detriments to the neighborhood.

YES. This criterion is met.

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.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. Will the proposed development comply with the Juneau Coastal Management Programs?

Not Applicable.

3. Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?

Yes. Based on the analysis above, staff finds that the variance meets the criteria of CBJ 49.20.250, *Grounds for Variances,* as all criterion were met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **approve** the requested Variance, VAR2012 0013. The Variance permit would allow for a reduction to the front yard setback from 20 feet to 10 feet to allow construction of a garage and shop with an apartment above.

DEVELOPMENT PERMIT APPLICATION

Project Number | CITY and BOROUGH of JUNEAU | Date Received:

Project Name (City Staff to Assign Name)

PROJECT / APPLICANT INFORMATION

Project Description: BUILD A GARAGE WITH A SMALL MOTHER-IN-LAW APARTMENT

PROPERTY LOCATION

Street Address: 3919 N. DOUGLAS HWY. City/Zip: JUNEAU, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Assessor's Parcel Number(s)

LANDOWNER/ LESSEE

Property Owner's Name: PETER D. STROW

Contact Person: PETER D. STROW

Work Phone: 907. 523. 3329

Mailing Address: 3917 N. DOUGLAS HWY. JUNEAU, AK 99801

Home Phone: 360. 305. 6499

Fax Number: N/A

E-mail Address: PDSTROW@hotmail.com

Other Contact Phone Number(s):

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 [signature] Landowner/Lessee Signature — Date: 4/1/15

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 [signature] Applicant's Signature — Date of Application: 4/1/15

----------OFFICE USE ONLY BELOW THIS LINE----------

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	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)			
X	Variance Case (De Minimis and all other Variance case types)		4/10/15	VAR 15-013
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: ANE

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		var15-013	4/10/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

- [ ] Variance to the Sign Standard (VSG)
- [ ] Variance to Dimensional Standards (VDS)
- [ ] Variance to Habitat Setbacks (VHB)
- [ ] Variance to Parking Requirements (VPK)
- [x] Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

CONSTRUCTING A GARAGE/APT. ON A HAMMERHEAD DRIVEWAY THAT IS SET BACK 10' FROM THE LOT LINE ON THE DOUGLAS HWY. SIDE.

Previous Variance Applications? [ ] YES [x] NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? [ ] YES [ ] NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

A SMALL LOT THAT IS STEEP IN SECTIONS. THE LOCATION OF THE HAMMERHEAD DRIVEWAY PAD IS THE ONLY FLAT & SUITABLE SPOT ON THE LOT FOR A GARAGE. THE DRIVEWAY PAD IS ALREADY 10' FROM THE LOT LINE & 28' FROM THE SHOULDER OF DOUGLAS HWY.

UTILITIES AVAILABLE:

WATER: [x] Public [ ] On Site SEWER: [x] Public [ ] On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

REGARLESS OF WHO OWNED THE PROPERTY THE CURRENT LOCATION OF THE DRIVEWAY PAD IS THE MOST SUITABLE SPOT FOR A GARAGE. A GARAGE IS A NICE AMENITY FOR ANY OWNER, PARTICULARLY IN JUNEAU.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

EXPENSIVE EXCAVATION INTO THE HILLSIDE & POTENTIALLY REQUIRING A VERY EXPENSIVE RETAINING WALL. FURTHER EXCAVATION WOULD ALSO WASTE SPACE AND NOT BE AN EFFICIENT WAY TO DEVELOP A SMALL LOT THAT CAN PROVIDE AFFORDABLE HOUSING FOR JUNEAU.

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$400.00			4/10/15
Adjustment	$			
Total Fee	$400.00	1851	G&d 6H.7	4/10/15

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

ATTACHMENT A

INTAKE REVIEW
Gen Eng.____
POC ANE
IOC ____
Tech

April 8, 2015

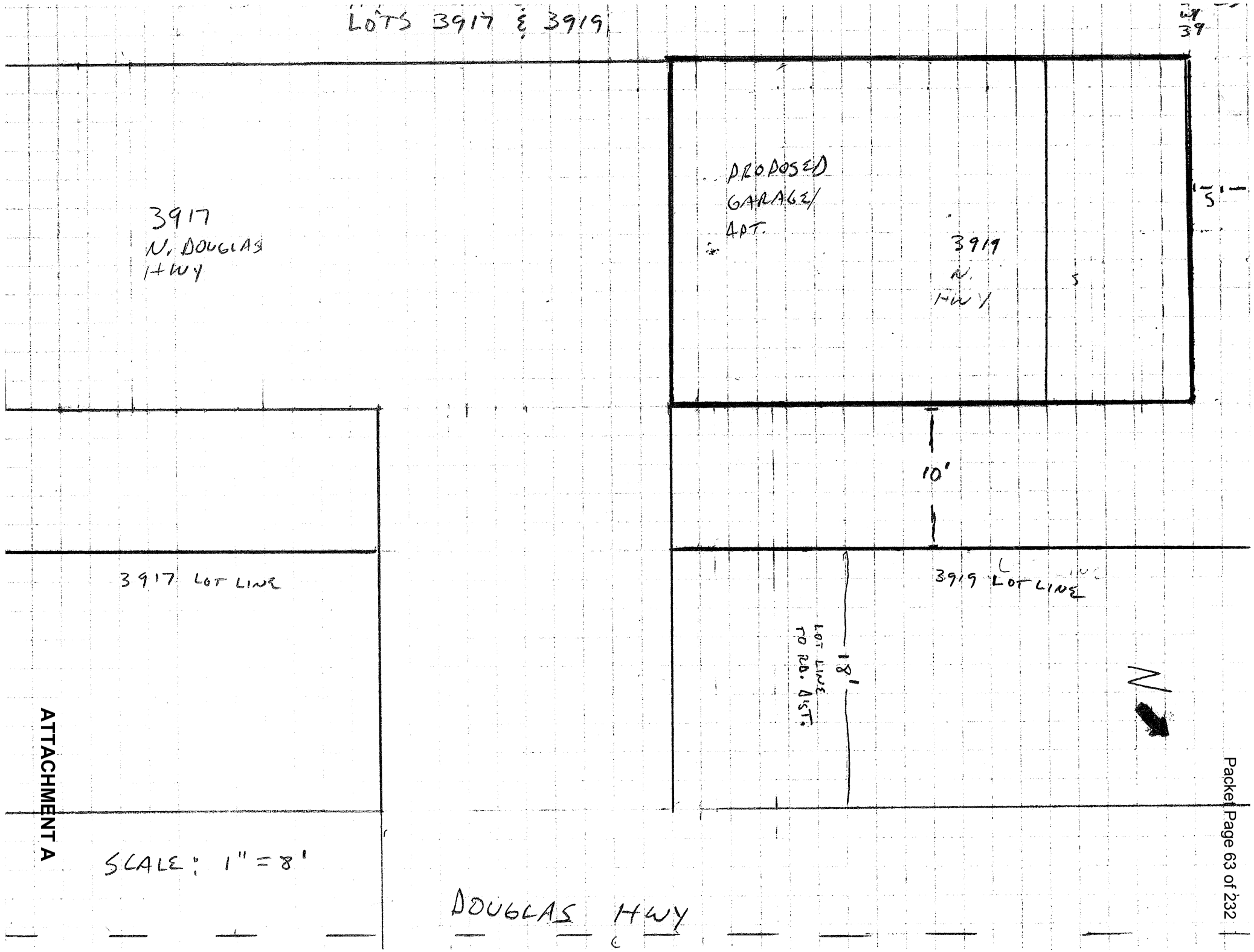
Variance Application Project Description

I would like to construct a garage with a mother-in-law apartment on 3919 N. Douglas Highway. Both lots 3917 and 3919 N. Douglas Highway have a shared access hammerhead driveway. I own both lots that the hammerhead driveway accesses. The garage/apartment would be constructed on the northeast portion of the hammerhead driveway on Lot 3919. The attic portion of the garage would have a small one bedroom apartment. Currently the section of the driveway where the proposed structure would be located has a 10' setback from Douglas Highway. I am requesting a relaxation of the 20' setback to Douglas Highway and allow the structure to be built with a 10' or less setback from the highway.

Variance Approval Criteria:

1. Yes allowing a 10' or less setback would give substantial relief to the property owner. The relief would prevent further excavation back into a steep hillside on a small lot. Further excavation would require an expensive retaining wall. Secondly there are numerous structures within the area built with setbacks of 5', thus this relaxation would be more consistent with the justice granted to other property owners.
2. Yes the intent of this title will be observed and in no way will it affect public safety and welfare. The lot line is 18' from the shoulder of the highway and the proposed structure would lie 28' from the shoulder of the highway.
3. The variance in no way would injure nearby property. The addition of a small architecturally appealing building may help to increase the property value of the neighborhood. Secondly it would provide affordable housing for Juneau.
4. No, the variance does not authorize uses not allowed in the district.
5.
   A. Compliance with the existing standard would cause undue financial hardship for the property owner by requiring excavation into a steep hillside and require a retaining wall. It would create an inefficient use of space on an already small lot.
   B. Yes it could prevent the owner from constructing a garage/apartment which is commonplace in the neighborhood. Additionally, many structures along Douglas Highway are built with less than a 20' setback.
   C. Given the lot is small and steep much of the area is not suitable for constructing a garage. The relaxation of the setback requirement would allow for a garage/apartment to be constructed on a suitable preexisting pad and prevent the unreasonable expense of excavation and installation of a retaining wall.
   D. The lot does not have preexisting nonconforming conditions.
6. The grant of variance would in no way be detrimental to the neighborhood. The construction of the garage/apartment would provide affordable housing for Juneau while also creating construction related work. Secondly, the addition of an architecturally appealing building would improve the aesthetics of the neighborhood and also help to improve the overall value on the surrounding neighborhood.

ATTACHMENT A



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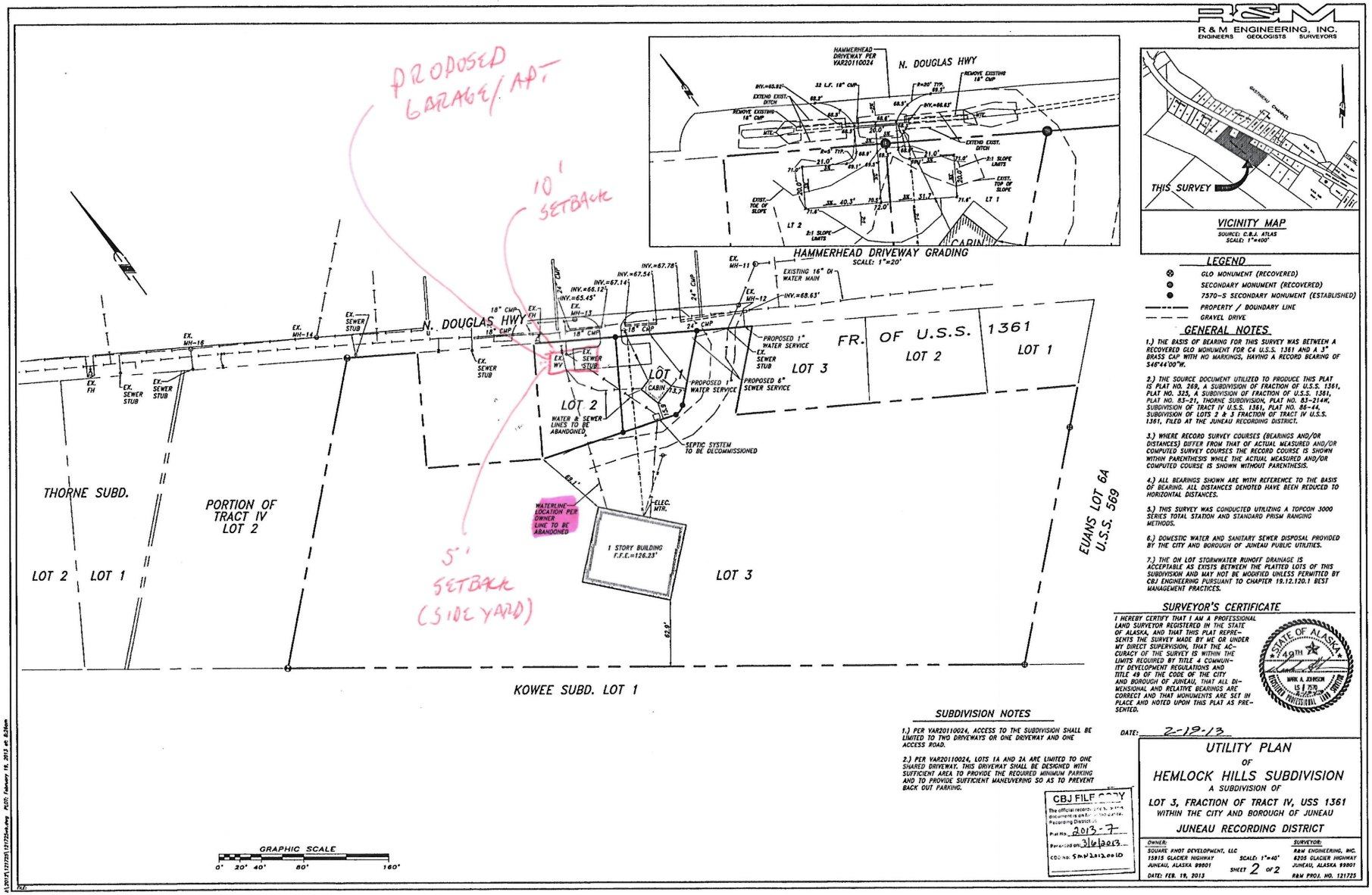

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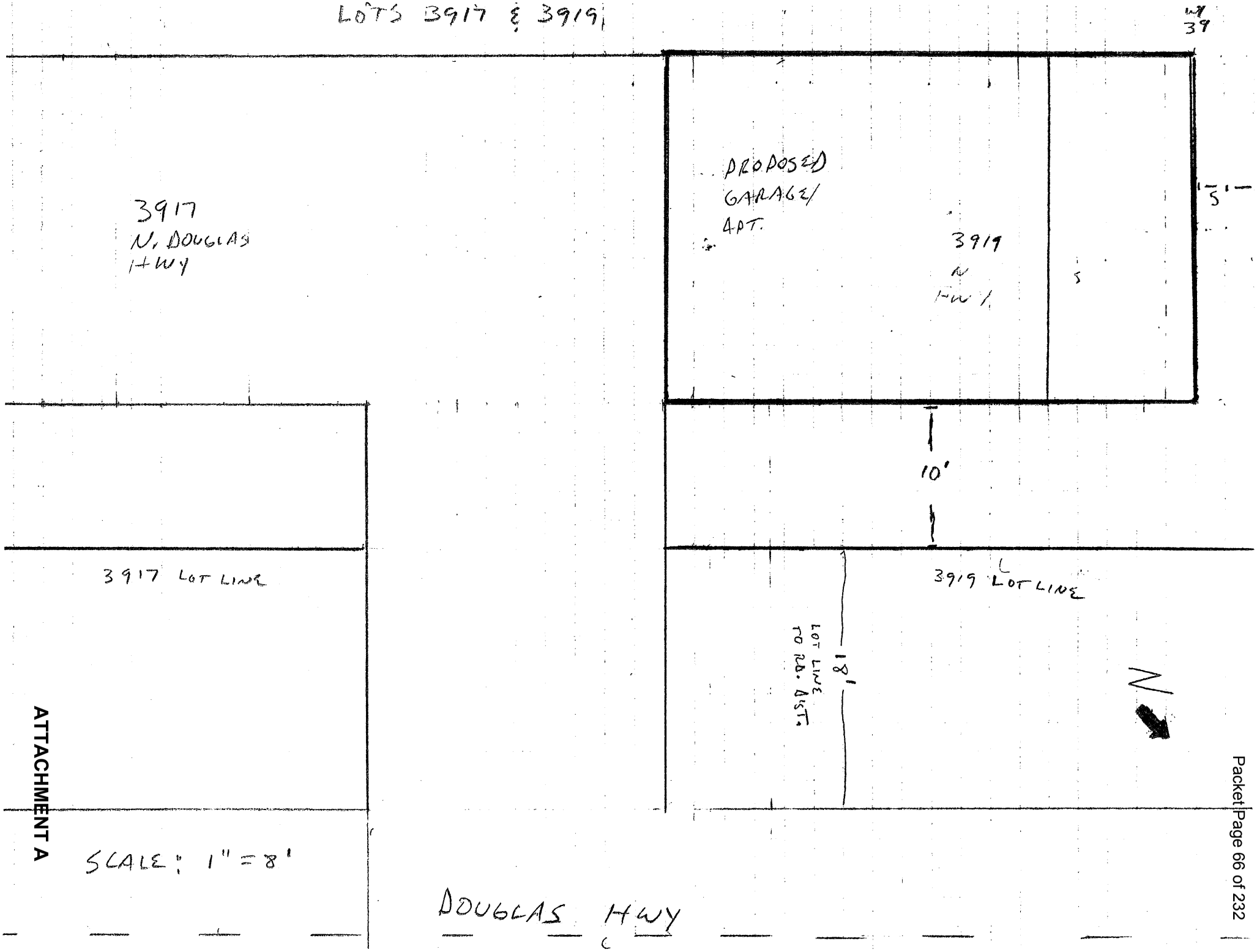
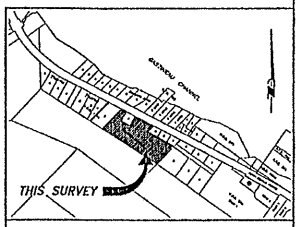


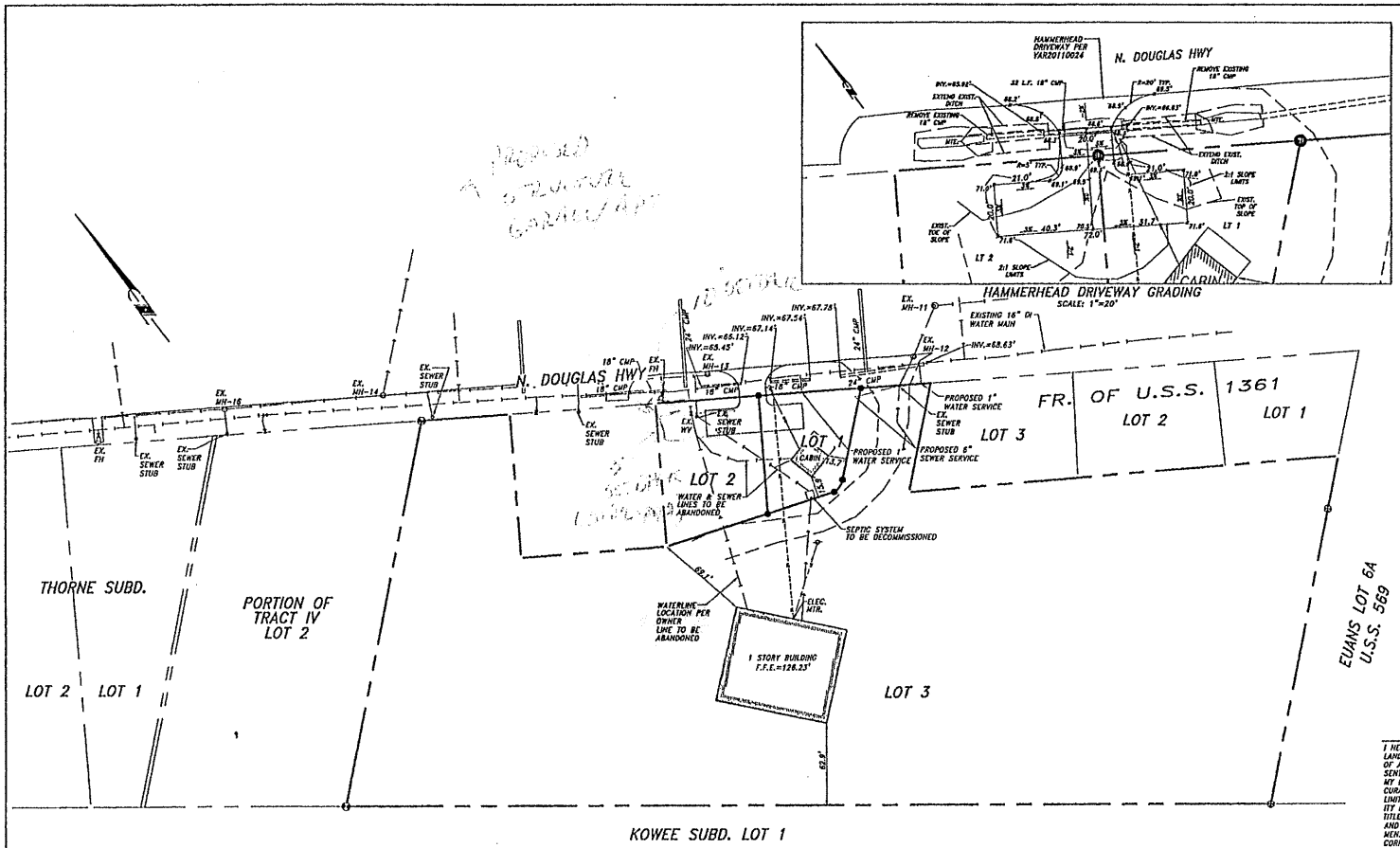
ATTACHMENT A

R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

HAMMERHEAD DRIVEWAY GRADING
SCALE: 1"=20'



VICINITY MAP
SOURCE: CBJ ATLAS
SCALE: 1"=400'



LEGEND

- GLO MONUMENT (RECOVERED)
- SECONDARY MONUMENT (RECOVERED)
- 7570-5 SECONDARY MONUMENT (ESTABLISHED)
- PROPERTY / BOUNDARY LINE
- GRAVEL DRIVE

GENERAL NOTES

1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN A RECOVERED GLO MONUMENT FOR C4 U.S.S. 1361 AND A 3" BRASS CAP WITH NO MARKINGS, HAVING A RECORD BEARING OF S46°44'00"W.

2.) THE SOURCE DOCUMENT UTILIZED TO PRODUCE THIS PLAT IS PLAT NO. 269, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 325, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 83-21, THORNE SUBDIVISION, PLAT NO. 83-214W, SUBDIVISION OF TRACT IV U.S.S. 1361, PLAT NO. 86-44, SUBDIVISION OF LOTS 2 & 3 FRACTION OF TRACT IV U.S.S. 1361, FILED AT THE JUNEAU RECORDING DISTRICT.

3.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.

4.) ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.

5.) THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS.

6.) DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.

7.) 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.

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.

STATE OF ALASKA 11491 MARK A. JENSEN LS 5 20 PROFESSIONAL LAND SURVEYOR

DATE: 2-19-13

SUBDIVISION NOTES

1.) PER VAR20110024, ACCESS TO THE SUBDIVISION SHALL BE LIMITED TO TWO DRIVEWAYS OR ONE DRIVEWAY AND ONE ACCESS ROAD.

2.) PER VAR20110024, LOTS 1A AND 2A ARE LIMITED TO ONE SHARED DRIVEWAY. THIS DRIVEWAY SHALL BE DESIGNED WITH SUFFICIENT AREA TO PROVIDE THE REQUIRED MINIMUM PARKING AND TO PROVIDE SUFFICIENT MANEUVERING SO AS TO PREVENT BACK OUT PARKING.

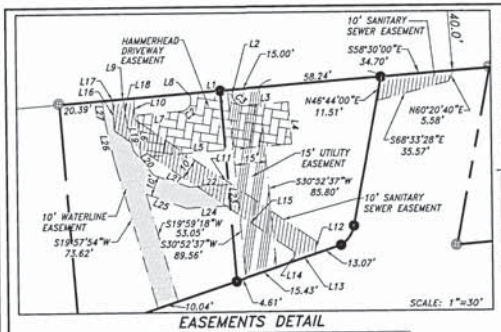
CBJ FILE COPY
The official records of the City and Borough of Juneau, Recording District
Plat No. 2013-7
Recorded on 3/6/2013
CBJ No. SMP 2012.0010

UTILITY PLAN
OF
HEMLOCK HILLS SUBDIVISION
A SUBDIVISION OF
LOT 3, FRACTION OF TRACT IV, USS 1361
WITHIN THE CITY AND BOROUGH OF JUNEAU
JUNEAU RECORDING DISTRICT

OWNER:	SURVEYOR:
SQUARE KNOT DEVELOPMENT, LLC	R&M ENGINEERING, INC.
15915 GLACIER HIGHWAY	8205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801	JUNEAU, ALASKA 99801
DATE: FEB. 19, 2013	SCALE: 1"=40' SHEET 2 OF 2
	R&M PROJ. NO. 121723

ATTACHMENT A

R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



EASEMENTS DETAIL

HAMMERHEAD DRIVEWAY EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S58°30'00"E	20.00'
L2	S31°31'23"W	3.01'
L3	S58°30'00"E	21.00'
L4	S31°30'00"W	20.00'
L5	S58°30'00"E	72.00'
L6	S31°30'00"W	20.00'
L7	S58°30'00"E	21.00'
L8	S31°31'24"W	3.01'

SANITARY SEWER EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L9	S58°30'00"E	10.00'
L10	N33°13'04"E	9.98'
L11	N19°37'24"W	103.85'
L12	N40°16'38"E	5.95'
L13	N72°37'46"W	10.86'
L14	N40°16'38"E	4.41'
L15	N19°37'24"W	103.06'
L16	N33°13'04"E	14.65'

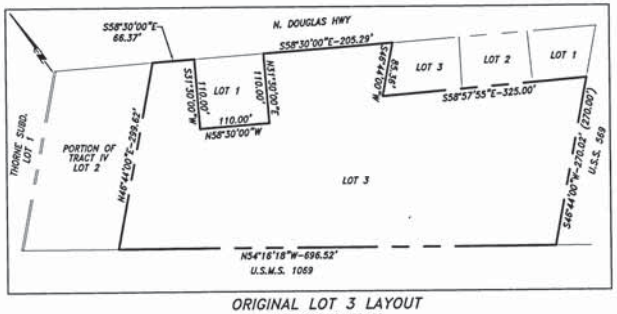
WATER LINE EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L17	S58°50'00"E	10.02'
L18	N27°53'34"E	10.10'
L19	N23°05'40"E	14.51'
L20	N05°13'44"W	15.15'
L21	N34°07'44"W	17.97'
L22	N57°05'41"W	18.57'
L23	S31°30'00"W	10.00'
L24	N57°05'41"W	20.84'
L25	N34°07'44"W	20.21'
L26	N23°05'40"E	17.27'
L27	N27°53'34"E	11.15'

EASEMENT HATCH LEGEND

- SANITARY SEWER EASEMENT
- WATER LINE EASEMENT
- UTILITY EASEMENT
- HAMMERHEAD DRIVEWAY EASEMENT

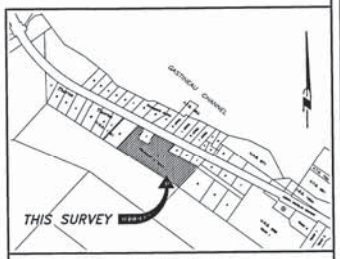
CURVE TABLE					
NUMBER	DELTA ANGLE	CHORD	TANGENT	RADIUS	ARC LENGTH
C1	46°30'27"	S69°59'13"W-11.05'	6.02'	14.00'	11.36'

HAMMERHEAD DRIVEWAY EASEMENT CURVE TABLE					
NUMBER	DELTA ANGLE	CHORD	TANGENT	RADIUS	ARC LENGTH
C2	90°00'00"	N76°30'00"E-7.07'	5.00'	5.00'	7.85'
C3	90°00'00"	S13°30'00"E-7.07'	5.00'	5.00'	7.85'



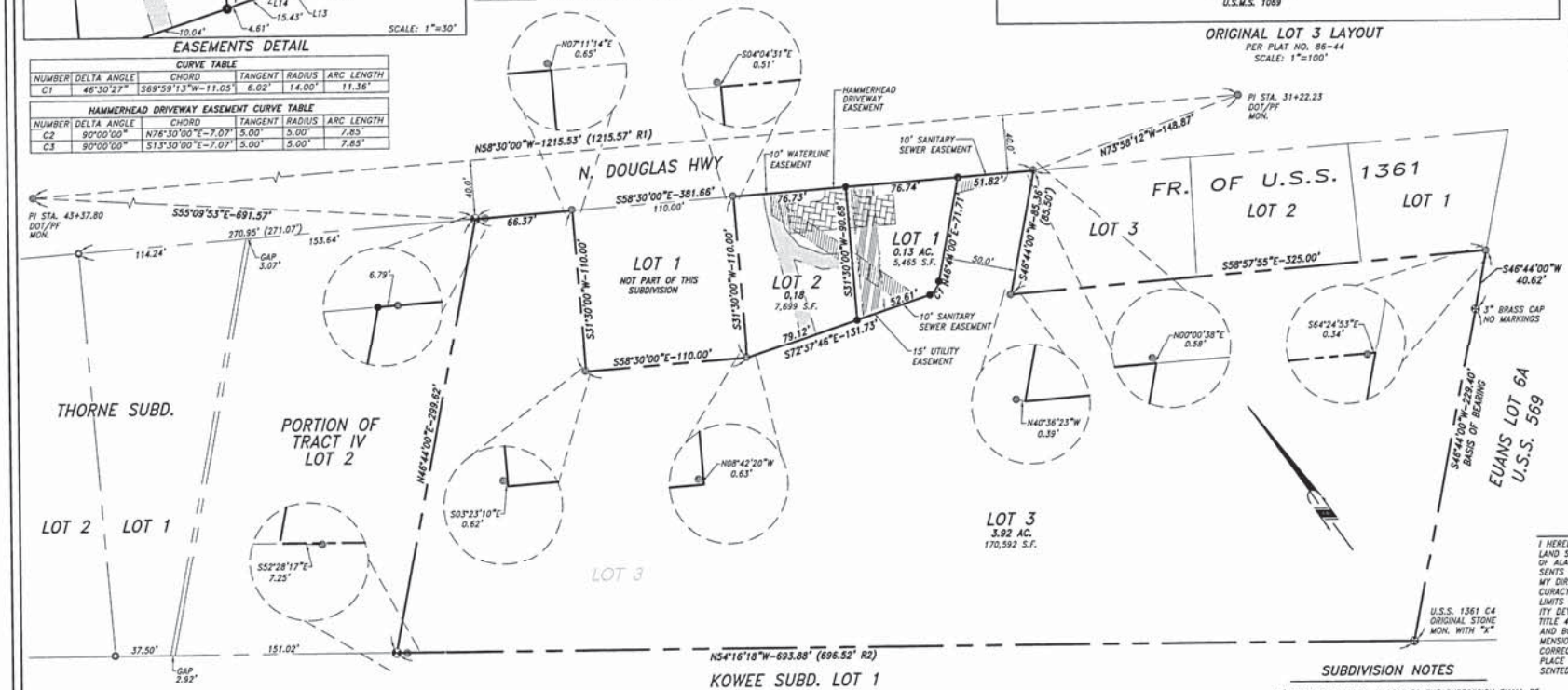
ORIGINAL LOT 3 LAYOUT

PER PLAT NO. 86-44
SCALE: 1"=100'



VICINITY MAP

SOURCE: C.B.J. ATLAS
SCALE: 1"=400'



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DATE: 2-19-13

STATE OF ALASKA 49TH MARK A. JOHNSON 15 1 7570 PROFESSIONAL LAND SURVEYOR

CBJ FILE

The official recorded copy of this document is on file at the Juneau Recording District as:
Plat No. 2013-7
Recorded on 3-6-2013
CCO No: SMR2013-010

TYPICAL MONUMENTS

(ESTABLISHED THIS SURVEY)

R&M ENGINEERING JUNEAU LOT 2 LT 3 2012 7570-S

PRIMARY MONUMENT
3.5" DIA. ALUMINUM BERNTSEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND

JOHNSON + 7570-S

SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND 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.

DATED: 26th Feb., 2013

DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

CITY & BOROUGH OF JUNEAU

ATTEST:

CLERK,
CITY AND BOROUGH OF JUNEAU

CORPORATE OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT SQUARE KNOT DEVELOPMENT, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I, AS SECRETARY AND AUTHORIZED REPRESENTATIVE, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO THE PUBLIC OR PRIVATE USE AS NOTED.

DATED THIS 21 DAY OF February, 2013

SQUARE KNOT DEVELOPMENT, LLC

BY:

LINDA ORR, SECRETARY

GRAPHIC SCALE

0' 20' 40' 80' 160'

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA
FIRST JUDICIAL DISTRICT } ss.

THIS IS TO CERTIFY THAT ON THIS 21 DAY OF February, 2013, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED LINDA ORR 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 08.25.2014

Notary Public
LAURIE L. CARRICK
State of Alaska
My Commission Expires Aug 25, 2014

SUBDIVISION NOTES

1.) PER VAR20110024, ACCESS TO THE SUBDIVISION SHALL BE LIMITED TO TWO DRIVEWAYS OR ONE DRIVEWAY AND ONE ACCESS ROAD.

2.) PER VAR20110024, LOTS 1A AND 2A ARE LIMITED TO ONE SHARED DRIVEWAY. THIS DRIVEWAY SHALL BE DESIGNED WITH SUFFICIENT AREA TO PROVIDE THE REQUIRED MINIMUM PARKING AND TO PROVIDE SUFFICIENT MANEUVERING SO AS TO PREVENT BACK OUT PARKING.

LEGEND

- GLO MONUMENT (RECOVERED)
- 3650-S SECONDARY MONUMENT (RECOVERED)
- 1410-S SECONDARY MONUMENT (RECOVERED)
- 7570-S PRIMARY MONUMENT ESTABLISHED
- 7570-S SECONDARY MONUMENT (ESTABLISHED)
- PROPERTY / BOUNDARY LINE
- EASEMENT LINE
- R1 PLAT NO. 83-31
- R2 PLAT NO. 86-44

PLAT OF

HEMLOCK HILLS SUBDIVISION

A SUBDIVISION OF

LOT 3, FRACTION OF TRACT IV, USS 1361

WITHIN THE CITY AND BOROUGH OF JUNEAU

JUNEAU RECORDING DISTRICT

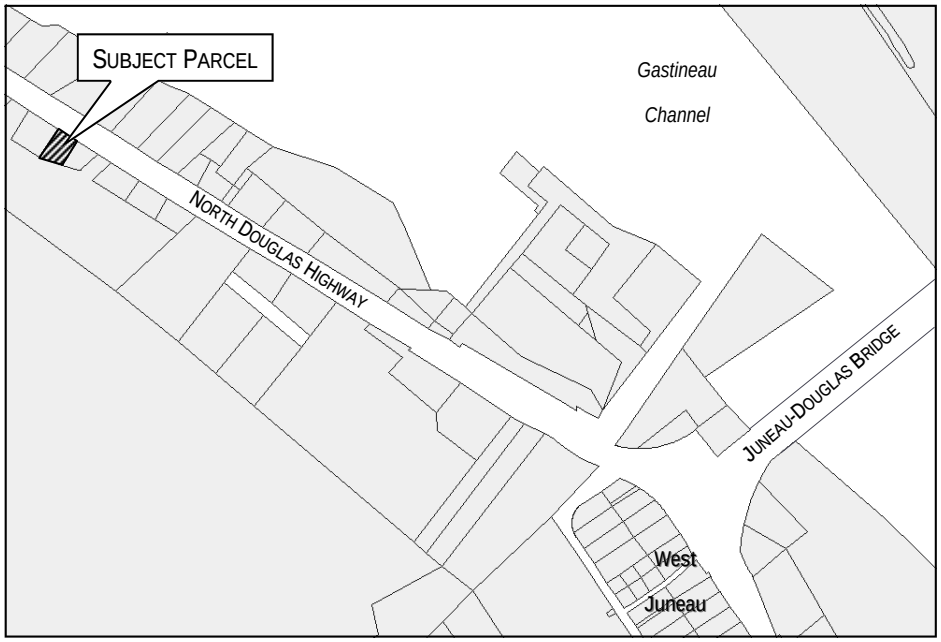
OWNER:	SURVEYOR:
SQUARE KNOT DEVELOPMENT, LLC 15915 GLACIER HIGHWAY JUNEAU, ALASKA 99801	R&M ENGINEERING, INC. 8205 GLACIER HIGHWAY JUNEAU, ALASKA 99801

DATE: FEB. 19, 2013 SCALE: 1"=40' SHEET 1 OF 2 R&M PROJ. NO. 121725

ATTACHMENT B

ATTACHMENT C

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **VAR2015 0012: Variance request to reduce the side yard setback from 10 feet to 5 feet.**
VAR2015 0013: Variance request to reduce the front yard setback from 20 feet to 10 feet.

File No:	VAR2015 0012 and VAR2015 0013	Applicant:	Peter Strow
To:	Adjacent Property Owners	Property PCN:	6-D06-0-105-005-4
Hearing Date:	May 26, 2015	Owner:	Peter Strow
Hearing Time:	7:00 PM	Size:	7699 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	3919 North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	Juneau, Alaska 99801		

** A Variance request could include the elimination of all dimensional standards.

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 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week 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 Chrissy McNally at Christine.McNally@juneau.org or 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at http://www.juneau.org/assembly/novus.php

ATTACHMENT D

Date notice was printed: April 23, 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: May 27, 2015
File No.: VAR2015 0013

Peter D. Strow
3917 N Douglas Highway
Juneau, AK 99801

Application For:	Variance request to reduce the front yard setback from 20 feet to 10 feet to allow construction of garage and shop with an apartment above.
Legal Description:	Hemlock Hills Lot 2
Property Address:	3919 N. Douglas Highway
Parcel Code No.:	6-D06-0-105-005-4
Hearing Date:	May 26, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 12, 2015 and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: May 12, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0013.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, May 26, 2015

Expiration Date: The permit will expire 18 months after the effective date, or November 26, 2016 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: _____ _____

Chrissy McNally, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

_____ 5/29/2015

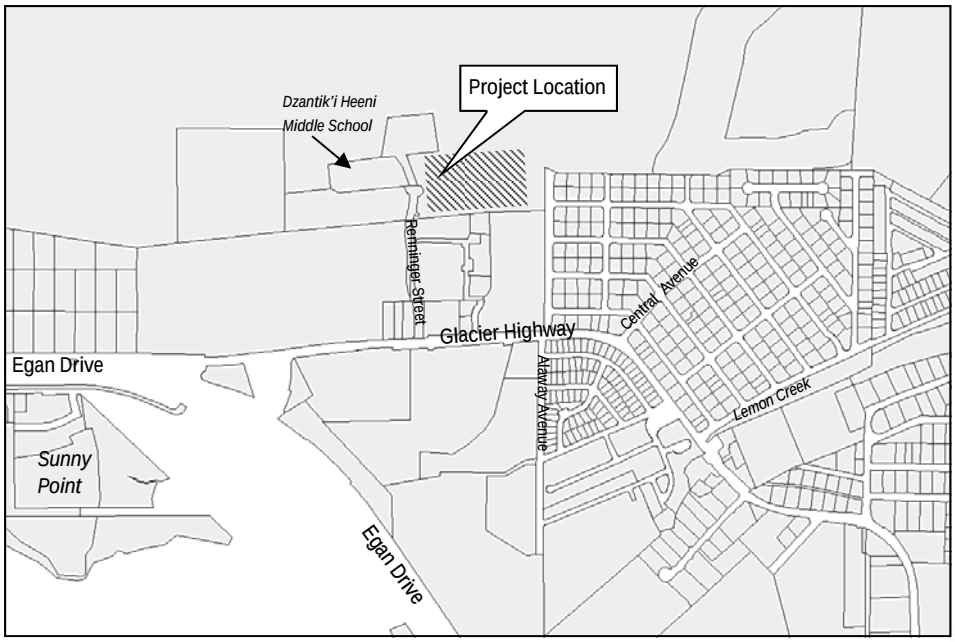
Filed With City Clerk Deputy Clerk

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.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **CSP2015 0009: City review of subdividing CBJ property into eight lots near Dzantik'I Heeni Middle School in Lemon Creek.**

SMP2015 0005: Preliminary plat review for an eight lot subdivision in a D-15 zoning district.

File No:	CSP2015 0009 and SMP2015 0005	Applicant:	CBJ Lands and Resources
To:	Adjacent Property Owners	Property PCN:	5-B14-0-100-017-0
Hearing Date:	May 26, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Site size:	Approximately 12 Acres
Place:	Assembly Chambers	Zoned:	D-15
	Municipal Building	Site Address:	1598 Renninger Street
	155 South Seward Street	Accessed Via:	Renninger Street
	Juneau, Alaska 99801		

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 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week 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 Eric Feldt at Eric.Feldt@juneau.org or 586-0764.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at http://www.juneau.org/assembly/novus.php

Date notice was printed: April 23, 2015

Community Development

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

DATE: May 14, 2015

TO: Planning Commission

FROM: Eric Feldt, Planner II, CFM
Community Development Department

FILE NO.: CSP2015 0009

PROPOSAL: City review of subdividing CBJ property into eight lots near Dzantik'i Heeni Middle School in Lemon Creek.

GENERAL INFORMATION

Applicant:	City & Borough of Juneau
Property Owner:	City & Borough of Juneau
Property Address:	1598 Renninger Street
Legal Description:	Lot A2 USS 5504
Parcel Code No.:	5-B14-0-100-017-0
Site Size:	Approximately 12 Acres
Comprehensive Plan Future Land Use Designation:	Medium Density Residential
Zoning:	D-15
Utilities:	Public Water & Sewer
Access:	Renninger Street
Existing Land Use:	Vacant
Surrounding Land Use:	North - D-15; Eaglewood Apartments; Renninger St. South - D-15; Gruening Park; Renninger St. East - D-15; Vacant CBJ Land West - D-15; Dzantik'i Heeni Middle School; Renninger St.

Vicinity Map

0 250 500 1,000 Feet

VICINITY MAP FOR PROPOSED RENNINGER SUBDIVISION

ATTACHMENTS

Attachment	A	Proposed Subdivision Layout
Attachment	B	Proposed Road Profile

PROPOSAL

The City & Borough of Juneau (CBJ) Division of Lands & Resources is initiating an 8-lot subdivision on CBJ property across from Dzantik'i Heeni (DZ) Middle School in Lemon Creek to create more housing opportunities during a time of severe housing shortage. This subdivision will establish a new 350-foot long paved CBJ road consisting of public utilities, sidewalks, and a cul-de-sac.

The project is concurrently being reviewed through a Preliminary Plat review (see memorandum SMP2015 0005 for details). This is the first of a two-step Major Subdivision process.

Figure 1: Looking uphill Renninger Street towards the proposed subdivision where the arrow is pointing. Picture taken by CDD staff May 5, 2015.

BACKGROUND

In 1997, R&M Engineering prepared the 'CBJ Switzer Area Land Study' for the CBJ to determine future development. The area investigated was north and east of the DZ Middle School. The subject site is within this study area.

The site was also identified on the 'Long Term Disposal' list in the 1999 CBJ Land Management Plan. This list was compiled through an evaluation of the 1996 Comprehensive Plan and Capital Improvement Project (CIP) list. The evaluation resulted in a list of 'immediate' and 'long term' disposal of CBJ lands within the urban service area (primarily those lands having CBJ sewer and water). The subject area was placed on the 'long term disposal' because it needed to be subdivided prior to development.

Later in 2011, R&M Engineering produced the 'CBJ Switzer Lands Residential Development Study' which provided a narrowed focus of the 1997 study area by identified three development phases, one including the subject site. The site was identified as the easiest to be developed and envisioned to be developed first. The excerpt from this study explains why the subject site was chosen first.

> "Development Area 2A would be the least expensive to develop and offers the lowest cost per dwelling unit. It is a very short piece of road being constructed and utility costs are minimal. It is zoned D-15, which would allow up to 48 units; but the cost per dwelling unit is based on a more conservative 32 units. There are some wetlands near Renninger Street that would require permitting; but these are not high-functioning wetlands; and they may be able to be avoided. The existing Switzer Trail that connects DZMS and neighborhoods off Alaska and Lund Street is used by students coming to and from school. The Juneau Safe Routes to Schools Plan (March 2012 public review draft) recommends adding lights and improving the narrow bridges on this trail through area 2A. Design of housing in this area should improve or relocate and improve this non-motorized route to and from school as well as Renninger Street." Page 28.

ANALYSIS

Zoning

The subdivision is located in the D-15 zoning district in the Lemon Creek area. This district allows up to 15 units per acre. All lots of the subdivision exceed the minimum lot size and dimensions established under 49.25.400 per the D-15 zoning district. One lot will be preserved for wetlands management and another is the large, CBJ parcel, which is also not ready for immediate development or sale. Of the six remaining, a maximum of 171 dwelling units is allowed based on the D-15 zoning district.

Road & Utilities
The new street (Jackie Street) will meet minimum dimensions for a public street and consist of sidewalks on both sides, underground drainage, pavement, and curbs and gutters (required per 49.35.210(e)(3)). The proposed subdivision will connect to public water and sewer, in addition to power, phone, and internet.

Drainage
The property is sloped heading southeast (away from Renninger Street). As the new road and properties are developed, the drainage will be changed from its natural state and contained within each site and directed to either the drainages within Jackie Street or an approved drainage area as accepted by the CBJ Engineering Department.

Transportation
Vehicular
All lots will have direct access to Jackie Street, which will connect to Renninger Street and then to Glacier Highway. Based on a maximum of 171 allowed dwelling units creating a forecasted +1,000 average daily vehicular trips, a Traffic Impact Analysis (TIA) will be required. A greater explanation of this is provided in the preliminary plat memorandum (SMP2015 0005). The applicant will submit the TIA prior to filing the Final Plat. Any mitigating measures resulting from the TIA will be added to the construction drawings. This ensures consistency with the Land Use Code.

Pedestrian
All lots in the subdivision will have direct access to sidewalks along Jackie Street. This new sidewalk will link to Renninger Street. The applicant will extend the existing sidewalk along the east side of Renninger Street to the future sidewalks of the subdivision. This will provide a continuous pedestrian link to Glacier Highway sidewalk whereby a pedestrian/ bicyclist can reach the nearby CBJ bus stop.

The recreational public-use Switzer Trailhead is located along Renninger Street near the subdivision. This trail connects to other trails in the neighborhood.

The Dzantik'i Heeni Middle School is located directly across Renninger Street from the proposed subdivision. Residents of the proposed subdivision will likely walk to the school. The applicant will install a crosswalk or similar feature to safely guide pedestrians across Renninger Street. The design and construction drawings of the crosswalk will be submitted prior to Final plat approval for review.

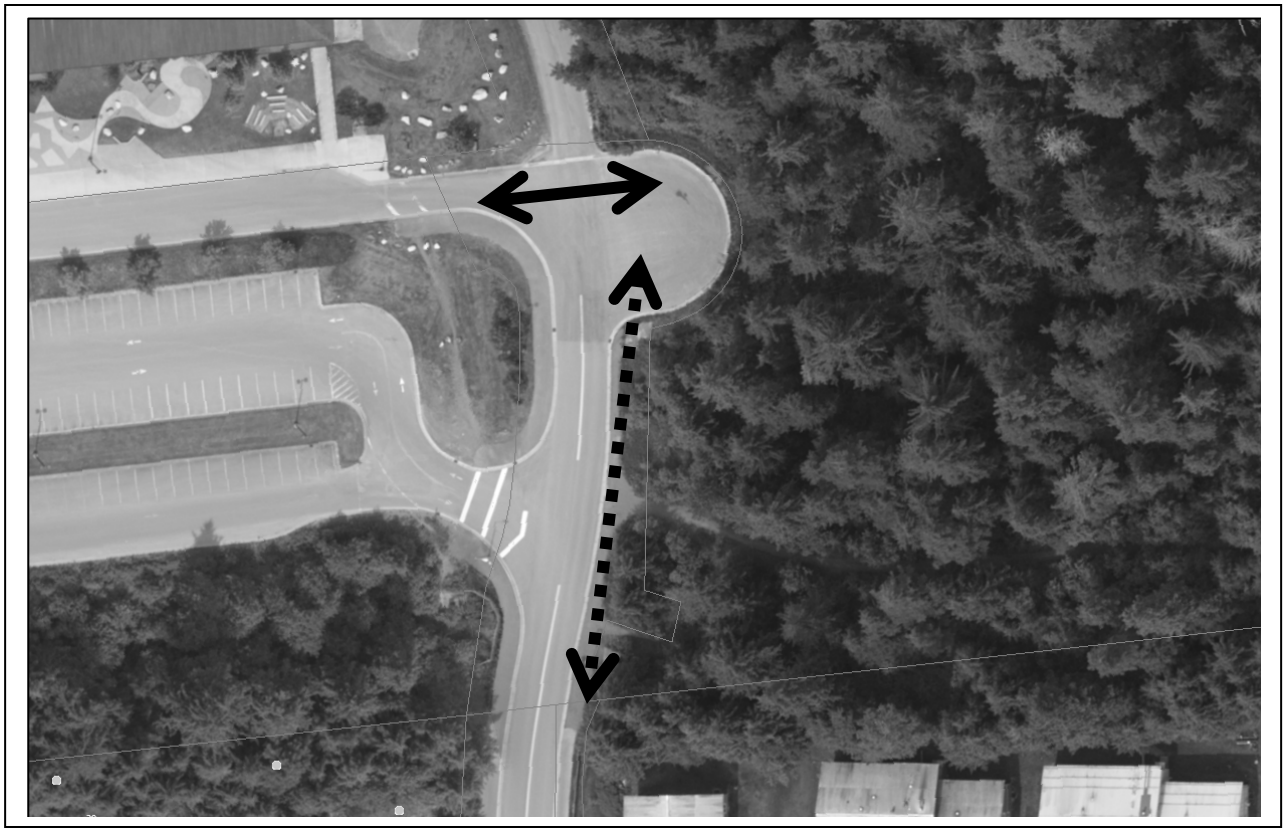


Figure 2. Solid arrow indicates area of future crosswalk or like infrastructure. Dashed arrow indicates area of future sidewalk to proposed subdivision entrance.

CONFORMITY WITH ADOPTED PLANS

2013 Comprehensive Plan

The proposed subdivision will create new opportunities for additional housing. The Comprehensive Plan states a strong desire for more housing choices and affordable housing. See excerpt below.

> "The three indicators of a housing crisis are the presence of households that (1) are paying more than 30% of their household income for shelter, thereby deemed "overburdened" by housing costs; (2) live in overcrowded conditions, that is, more than one person per room within the home; and/or (3) live in unsafe and/or unsanitary housing units, that is, without a full kitchen and bath. The 2008 American Community Survey by the U.S Census reports that nearly 4,000 of the 12,187 Juneau households spent more than 30% of their household incomes on household costs in 2008. This

> includes 1,350 households that spent more than 50% of their incomes on household costs. According to the 2010 *CBJ Housing Needs Assessment* report by the Juneau Economic Development Council (JEDC), 38% of Juneau renters and 39% of homeowners do not have affordable housing." Emphasis added. Page 25.

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 4.6. TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.** Page 40.
>
> **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 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE CONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.** Page 114

The proposal meets the policies of the 2013 Comprehensive Plan because it creates an immediate source of future housing in an area that has public water, sewer, and access to transit.

CBJ Capital Improvement Program (CIP)
The proposed subdivision is listed on the Preliminary fiscal year 2016-2021 CIP under 'Switzer Land Development'. Forecasted funding has been listed as approximately $5 million for fiscal year 2017. Exact funds and project costs will be determined in the future.

2009 Non-Motorized Transportation Plan (NMTP)
According to page 7 for the NMTP, "The goal of the Juneau Non-Motorized Transportation Plan is to make bicycling and walking safe, convenient and pleasant so that residents choose act ive forms of transportation more often." The applicant will install a new crosswalk or similar feature and extend an existing sidewalk to the entrance of Jackie Street. With these improvements and the sidewalks within the subdivision, this project will meet the goal of the NMTP.

2012 Safe Routes to Schools Plan
According to the CBJ Safe Routes to School program is to "… create safe, convenient and fun opportunities for Juneau children to walk and bicycle to and from school and thus encourage more children to be physically active."

The following indicates the percentage of students that walk to Dzantik'i Heeni Middle School and identifies nearby streets.

> "Between 10-16% of Dzantik'i Heeni Middle School students walk to or from school on any given day. Students approaching from Switzer Village and Gruening Park use side streets that lead to Renninger Street. Students who live north of Glacier Highway between Switzer Creek and Lemon Creek walk to school either using the Switzer Trail connecting Alaska Avenue and Renninger Street, or, along the north side of Glacier Highway."

This plan recommends new crosswalks at the existing streets which intersect Renninger Street south of the subdivision. The need for a crosswalk at those locations fits the same reason for a future crosswalk where Jackie Street intersects Renninger Street. The applicant will install a sidewalk or similar feature. This will meet the purpose of the Safe Routes to Schools Plan.

LAND USE CODE, TITLE 49
The subdivision meets the minimum lot size and dimensions of the underlying D-15 zoning district (49.25.400). The proposed street (Jackie Street) meets the design and construction standards per Article II of 49.35 *Public Improvements*. Specific lot sizes, number of homes per lot, and details of the subdivision layout are discussed under the Preliminary Plat report (SMP2015-0005). One recommended condition of that report worth mentioning under the subject city consistency memorandum is the requirement of submitting a Traffic Impact Analysis as a condition of preliminary plat approval. To ensure consistency with the Land Use Code under the city consistency review, staff recommends requiring the condition for consistency with the Land Use Code.

HABITAT
There are wetlands throughout this subdivision that will be affected by the new road and future development. The CBJ Division of Lands & Resources has been working with the US Army Corps of Engineers (COE) to allow this project to move forward with the condition that a portion of unaffected wetlands will be preserved on a separate property. This is one of the eight lots established in subdivision and is near the east area of the project. See Attachment A. There is no other mapped habitat on subdivision that is regulated by the CBJ Land Use Code.

FINDINGS
The proposed subdivision is consistent with the policies of CBJ Comprehensive Plan, Capital Improvement Program, Non-Motorized Transportation Plan, and regulations of the Land Use Code.

RECOMMENDATION

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/15/15
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
~~Seven~~ Eight Lot Subdivision between Dzantik'I Heeni Middle School and Switzer Creek. Also includes a variance application to the requirement that a "Conservation Lot" must be adjacent to the Mendenhall Wetland State Game Refuge.

PROPERTY LOCATION

Street Address	City/Zip
1598 Renninger Street	Juneau Alaska 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
A Subdivision Within Lot A-2, a resubdivision of Tract A1-A, U.S.S. 5504 and Tract B, Golden Heights Subdivision

Assessor's Parcel Number(s)
5-B14-0-100-017-0

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
City and Borough of Juneau	Greg Chaney	586-0205
Mailing Address	**Home Phone:**	**Fax Number:**
155 South Seward Street, Juneau AK 99801	586-2594	586-5385
E-mail Address	**Other Contact Phone Number(s):**	
greg.chaney@juneau.org	586-0224	

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 Greg P. Chaney CBJ LANDS MANAGER April 15 2015
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	Contact Person:	Work Phone:
Same		
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X Greg P. Chaney CBJ LANDS MANAGER April 15 2015
Applicant's Signature — Date of Application

PROJECT / APPLICANT

---OFFICE USE ONLY BELOW THIS LINE---

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
X	City/State Project Review and City Land Action		4/15/15	csp15-009
	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)			
X	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		4/15/15	smp15-005
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
X	Variance Case (De Minimis and all other Variance case types)		4/15/15	var15-014
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: ANE

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP 15-009	4/15/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

☑ City Project Review ☐ City Land Acquisition /Disposal ☐ State Project Review

DESCRIPTION OF PROJECT

8 Lot subdivision in a D15 zoning district. Also includes a variance to the requirement that a "Conservation Lot" must be adjacent to the Mendenhall Wetland State Game Refuge.

See cover memo attached to subdivision application.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

Vacant. Boardwalk trail and drainage channel borders southern property line.

PROPOSED USE OF LAND OR BUILDING(S):

Eight lot subdivision intended to be used for multifamily development. A "Conservation Lot" will be included to preserve habitat values. The boardwalk trail and drainage infrastructure will remain in place with easements.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ No ☑ Yes **Case No.:** _____

Capital Improvement Program # (CIP) CIP M14-062

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $ 900,000

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.

CITY/STATE PROJECT FEES

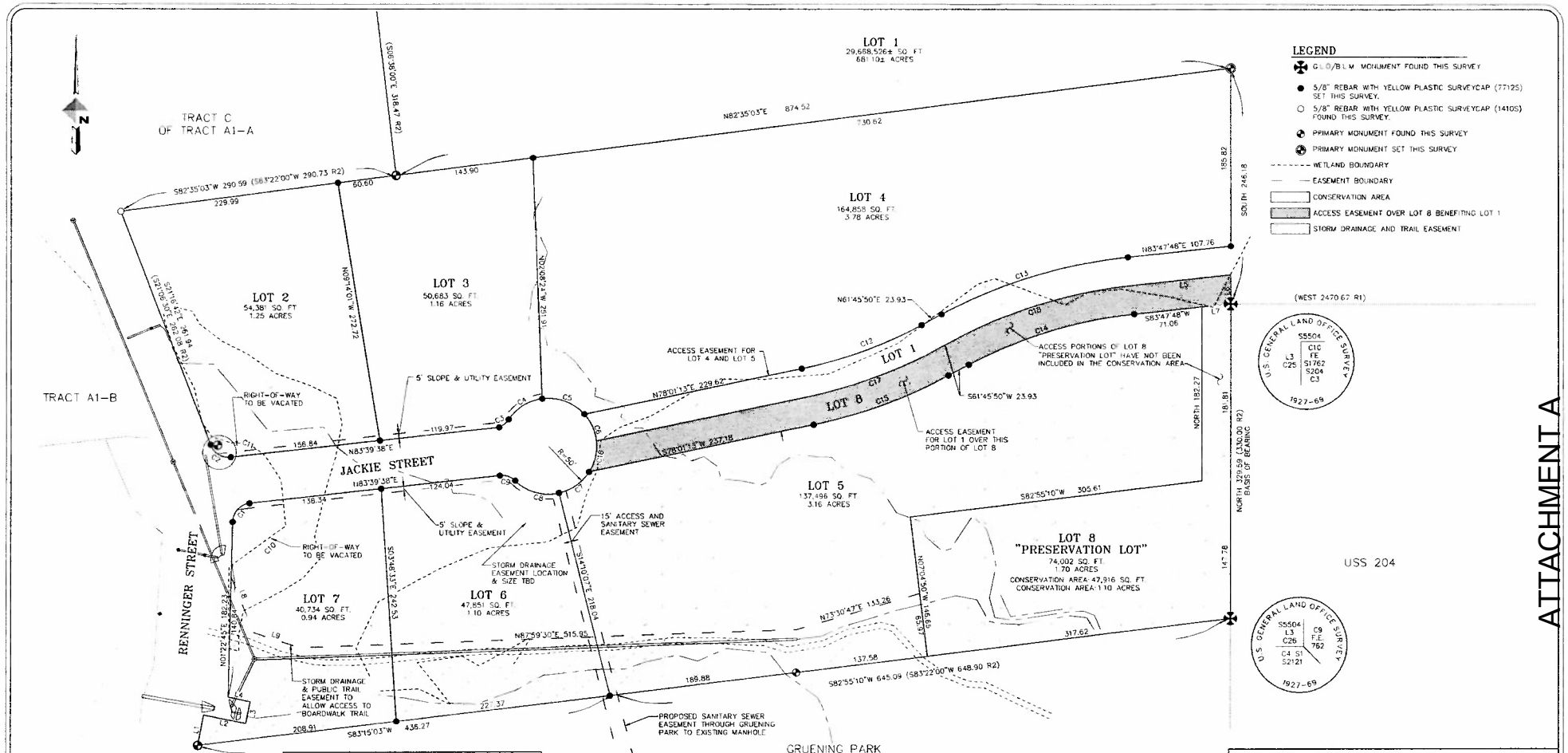
	Fees	Check No.	Receipt	Date
Application Fees	$ No Fee			4/15/15
Total Fee	$ 0			4/15/15

NOTE: MUST BE ACCOMPANIED BY* DEVELOPMENT PERMIT APPLICATION *FORM

&

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

ATTACHMENT A



LEGEND

- G.L.O./B.L.M. MONUMENT FOUND THIS SURVEY
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (77125) SET THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (1410S) FOUND THIS SURVEY.
- PRIMARY MONUMENT FOUND THIS SURVEY
- PRIMARY MONUMENT SET THIS SURVEY
- WETLAND BOUNDARY
- EASEMENT BOUNDARY
- CONSERVATION AREA
- ACCESS EASEMENT OVER LOT 8 BENEFITING LOT 1
- STORM DRAINAGE AND TRAIL EASEMENT

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	CHORD
C1	28.72	82°16'53"	20.00	S42°31'11"W 26.32
C2	26.20	75°03'40"	20.00	N58°48'32"W 24.37
C3	17.45	49°59'41"	20.00	S58°39'47"W 16.90
C4	42.30	48°28'05"	50.00	S57°53'59"W 41.05
C5	48.74	55°51'16"	50.00	N69°56'20"W 46.84
C6	31.19	35°44'36"	50.00	S24°08'24"E 30.69
C7	39.13	44°50'08"	50.00	N54°49'35"E 38.14
C8	49.23	56°24'40"	50.00	S74°33'01"E 47.26
C9	17.45	49°59'41"	20.00	N71°20'32"W 16.90
C10	93.19	87°31'58"	61.00	N39°56'12"E 84.39
C11	42.68	40°05'22"	61.00	N77°16'08"W 41.82
C12	133.35	16°15'23"	470.00	N69°53'32"E 132.91
C13	203.81	22°01'58"	530.00	N72°46'49"E 202.56
C14	180.74	22°01'58"	470.00	S72°46'49"W 179.63
C15	150.38	16°15'23"	530.00	S69°53'32"W 149.87
C16	33.75	38°40'37"	50.00	S13°04'12"W 33.11
C17	141.86	16°15'23"	500.00	S69°53'31"W 141.39
C18	192.27	22°01'58"	500.00	S72°46'49"W 191.09

LINE TABLE

LINE No.	BEARING & DISTANCE
L1	N11°27'30"E 32.00
L2	S78°32'30"E 45.00
L3	N11°27'30"E 23.00
L4	N78°32'30"W 23.82
L5	S83°47'48"W 104.50
L6	NORTH 30.18
L7	S83°47'48"W 30.18
L8	S22°43'23"E 63.06
L9	S72°27'13"E 49.94

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: APRIL, 2015

STATE OF ALASKA 49th
William T. Pence No. 7712-S
REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY PLAT

RENNINGER SUBDIVISION

A SUBDIVISION WITHIN LOT A-2, BEING A RESUBDIVISION OF TRACT A1-A, U.S.S. 5504 AND TRACT B, GOLDEN HEIGHTS SUBDIVISION

CITY AND BOROUGH OF JUNEAU, ALASKA, JUNEAU RECORDING DISTRICT

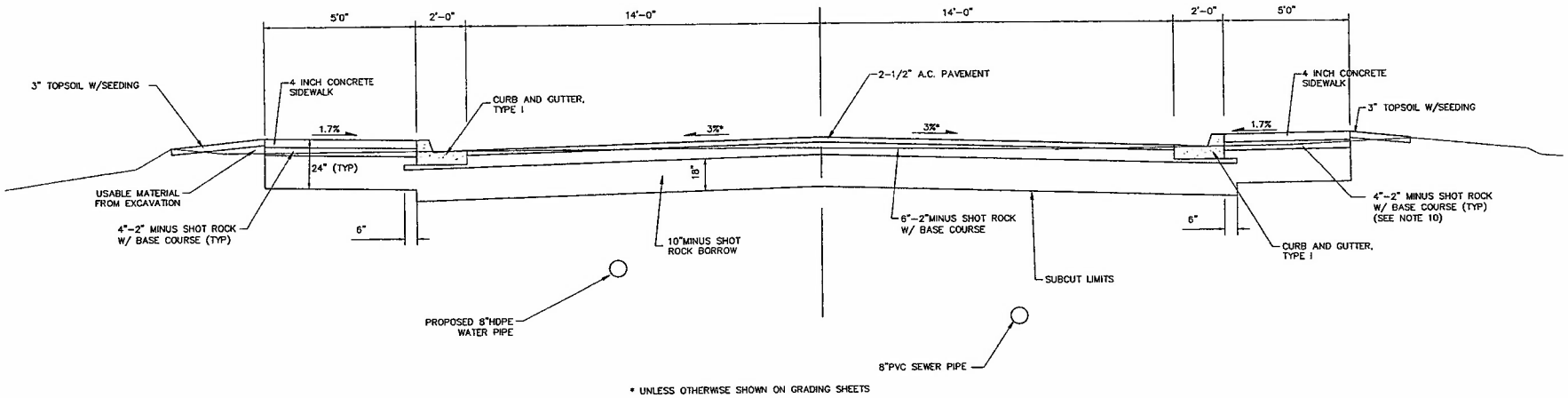
DOWL

CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

OWNER

CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1"= 50'	APR. 2015	J70725		2 OF 2



* UNLESS OTHERWISE SHOWN ON GRADING SHEETS

ATTACHMENT B

RECEIVED
APR 15 2015
PERMIT CENTER/CDD

DOWL
5368 Commercial Blvd.
Juneau, Alaska 99801
(907) 780-3533 Office
(907) 780-3535 Fax
Consulting Engineers • Land Surveyors • Construction Administration

JOB NO. JF0725.01	DRAWN BY: STAFF	DESIGNED BY: N. HOBBS	CHECKED BY: STAFF	DATE: APRIL 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DEPARTMENT OF ENGINEERING

SWITZER CREEK SUBDIV.
PRELIMINARY DESIGN
CONTRACT NO. E15-082

TYPICAL SECTION - SWITZER CREEK SUBDIV.

SHEET NO. 3 of 3

O:\27\70725-01\65CAD\MC14-CT-CR-70725-01.dwg 2015-4-14 11:26:56

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: May 27, 2015
File No.: CSP2015 0009

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Application For:	Planning Commission Recommendation to the City and Borough Assembly regarding a City review of subdividing CBJ property into eight lots near Dzantik'i Heeni Middle School in Lemon Creek.
Legal Description or ROW name:	Lot A2 USS 5504
Property Address:	1598 Renninger Street
Parcel Code No.:	5-B14-0-100-017-0
Hearing Date:	May 26, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 14, 2015, and recommended that the City Manager direct CBJ staff to design and build the project.

Attachments: May 14, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding CSP2015 0009.

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).

Project Planner: _____
Eric Feldt, Planner
Community Development Department

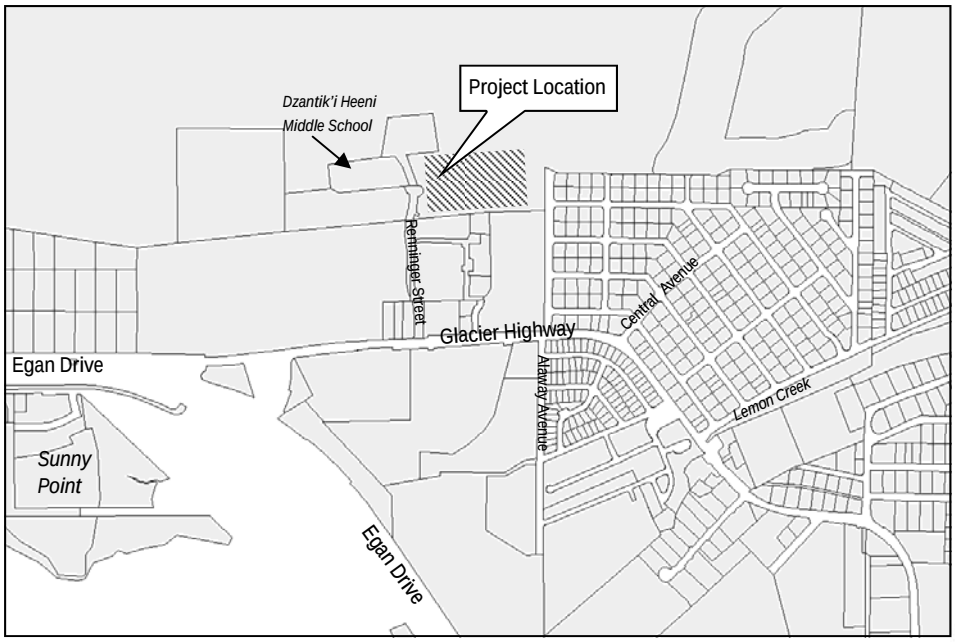
_____
Michael Satre, Chair
Planning Commission

_____ 5/29/2015
Filed With City Clerk Deputy Clerk — 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.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **CSP2015 0009: City review of subdividing CBJ property into eight lots near Dzantik'I Heeni Middle School in Lemon Creek.**

SMP2015 0005: Preliminary plat review for an eight lot subdivision in a D-15 zoning district.

File No:	CSP2015 0009 and SMP2015 0005	Applicant:	CBJ Lands and Resources
To:	Adjacent Property Owners	Property PCN:	5-B14-0-100-017-0
Hearing Date:	May 26, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Site size:	Approximately 12 Acres
Place:	Assembly Chambers	Zoned:	D-15
	Municipal Building	Site Address:	1598 Renninger Street
	155 South Seward Street	Accessed Via:	Renninger Street
	Juneau, Alaska 99801		

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 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week 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 Eric Feldt at Eric.Feldt@juneau.org or 586-0764.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at http://www.juneau.org/assembly/novus.php

Date notice was printed: April 23, 2015

Community Development

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

DATE: May 13, 2015

TO: Planning Commission

FROM: Eric Feldt, Planner II, CFM
Community Development Department

FILE NO.: SMP2015 0005

PROPOSAL: Preliminary Plat review for an eight lot subdivision in a D-15 zoning district.

GENERAL INFORMATION

Applicant:	City & Borough of Juneau
Property Owner:	City & Borough of Juneau
Property Address:	1598 Renninger Street
Legal Description:	Lot A2 USS 5504
Parcel Code No.:	5-B14-0-100-017-0
Site Size:	Approximately 12 Acres
Comprehensive Plan Future Land Use Designation:	Medium Density Residential
Zoning:	D-15
Utilities:	Public Water & Sewer
Access:	Renninger Street
Existing Land Use:	Vacant
Surrounding Land Use:	North - D-15; Eaglewood Apartments; Renninger St. South - D-15; Gruening Park; Renninger St. East - D-15; Vacant CBJ Land West - D-15; Dzantik'i Heeni Middle School; Renninger St.

Vicinity Map

0 250 500 1,000 Feet

VICINITY MAP FOR PROPOSED RENNINGER SUBDIVISION

ATTACHMENTS

Attachment	A	Proposed Subdivision Design
Attachment	B	Proposed Street Design

PROPOSAL

The City & Borough of Juneau (CBJ) is initiating an 8-lot subdivision on CBJ-owned property across from Dzantik'i Heeni (DZ) Middle School in Lemon Creek to create more housing options during a time of severe housing shortage. This subdivision will establish a new 350-foot long paved CBJ road with utilities and sidewalks and enable immediate future development.

The subject memorandum addresses the Preliminary Plat review process, the first of a two-step Major Subdivision process (49.15.430). Approval of this step will allow the applicant to finalize construction designs and start construction. Once completed, the applicant will submit a Final Plat (final step) to ensure all improvements have been made. This will enable the recording of the plat and subsequent sale of the new lots. The subject memorandum provides a basic overview of the subdivision to ensure consistency with the Land Use Code and other CBJ adopted plans, such as lot dimensions and size, required utilities and other general improvements of the subdivision.

Concurrent with the preliminary plat review, the project has been reviewed through a City Consistency process (CSP2015 0009) to ensure the subdivision is consistent with city adopted plans. The CSP reviews required for two reasons: 1) the project utilizes Capital Improvement Program (CIP) funds and, 2) the project will result in selling CBJ land (49.10.170(c)).

BACKGROUND

In 1997, R&M Engineering prepared the 'CBJ Switzer Area Land Study' for the CBJ to determine future development. The area investigated was north and east of the DZ Middle School. The subject site is within this study area.

The site was also identified on the 'Long Term Disposal' list in the 1999 CBJ Land Management Plan. This list was compiled through an evaluation of the 1996 Comprehensive Plan and Capital Improvement Project (CIP) list. The evaluation resulted in a list of 'immediate' and 'long term' disposal of CBJ lands within the urban service area (primarily those lands having CBJ sewer and water). The subject area was placed on the 'long term disposal' because it needed to be subdivided prior to development.

Later in 2011, R&M Engineering produced the 'CBJ Switzer Lands Residential Development Study' which provided a narrowed focus of the 1997 study area by identified three development phases, one including the subject site. The site was identified as the easiest to be developed and

envisioned to be developed first. The excerpt from this study explains why the subject site was chosen first.

> "Development Area 2A would be the least expensive to develop and offers the lowest cost per dwelling unit. It is a very short piece of road being constructed and utility costs are minimal. It is zoned D-15, which would allow up to 48 units; but the cost per dwelling unit is based on a more conservative 32 units. There are some wetlands near Renninger Street that would require permitting; but these are not high-functioning wetlands; and they may be able to be avoided. The existing Switzer Trail that connects DZMS and neighborhoods off Alaska and Lund Street is used by students coming to and from school. The Juneau Safe Routes to Schools Plan (March 2012 public review draft) recommends adding lights and improving the narrow bridges on this trail through area 2A. Design of housing in this area should improve or relocate and improve this non-motorized route to and from school as well as Renninger Street." Page 28.

ANALYSIS

Zoning

The subdivision is located in a D-15 zoning district in the Lemon Creek area. This district allows 15 units per acre and multi-family residences such as condominiums and apartments, as well as common-walls, duplexes, single families, and bungalows. A breakdown of the maximum allowed dwelling unit per lot is provided below.

Allowed No. of Dwelling Units (Dw/ Units)

- Proposed Lot 1: Not ready for development but part of subdivision
- Proposed Lot 2: Size = 1.25 acres, allowed Dw/ Units = 18.75 round to **19**
- Proposed Lot 3: Size = 1.16 acres, allowed Dw/ Units = 17.4 round to **17**
- Proposed Lot 4: Size = 3.78 acres, allowed Dw/ Units = 56.7 round to **57**
- Proposed Lot 5: Size = 3.16 acres, allowed Dw/ Units = 47.4 round to **47**
- Proposed Lot 6: Size = 1.10 acres, allowed Dw/ Units = 16.5 round to **17**
- Proposed Lot 7: Size = .94 acres, allowed Dw/ Units s = 14.1 round to **14**
- Proposed Lot 8: Preservation Lot for wetlands; Development not allowed

Total number of allowed homes (using rounded figures) = 171

Due to the cost of site development, area dedicated to parking, slopes, and wetlands, it is not likely this subdivision will reach the maximum dwelling count of 171.

The CBJ Division of Lands & Resources has received interest from housing organizations to build 8-plexes (8-unit buildings) on some of the proposed lots. Based on the lot size, allowed density, and zoning, this would be allowed.

All lots of within the subdivision exceed the minimum required lot size and lot width and depth (50' wide X 80' deep) for the D-15 district.

Drainage

The property slopes away from Renninger Street at a shallow grade. As the new road and properties are developed, the drainage will be changed from its natural state and contained within each site and directed to either the road or an approved drainage area as approved by CBJ Engineering.

Wetlands

There are wetlands within in this subdivision that will be affected by the new road and future development. The CBJ Division of Lands & Resources has been working with the US Army Corps of Engineers (COE) to allow the filling of wetland in order to move the project forward. One condition of COE approval is a wetland preservation lot (Lot 8). This lot is located in the eastern area of the project. See Attachment A. The following was provided from the CBJ Division of Lands & Resources regarding the filling of wetlands.

> In order for the US Army Corps of Engineers to permit wetlands to be filled for development of this subdivision, the US Army Corps of Engineers will require the CBJ to record a Restrictive Covenant in the form of an easement that protects the Preservation Lot from being disturbed during construction. This Restrictive Covenant will have the same meets and bounds description as the Preservation Lot so that when the Final Plat is recorded, the Restrictive Covenant would apply to the Preservation Lot. The US Army Corps of Engineers requires this step in order to ensure that the area with sensitive habitat will be preserved and will not be inadvertently impacted during construction.

Habitat

Besides wetlands, there is no other mapped habitat located in the proposed subdivision that is regulated by the CBJ Land Use Code.

Access

The proposed lots will have direct access onto the new street (Jackie Street), which will connect to Renninger Street, as seen in Figure 1 and Attachment A.

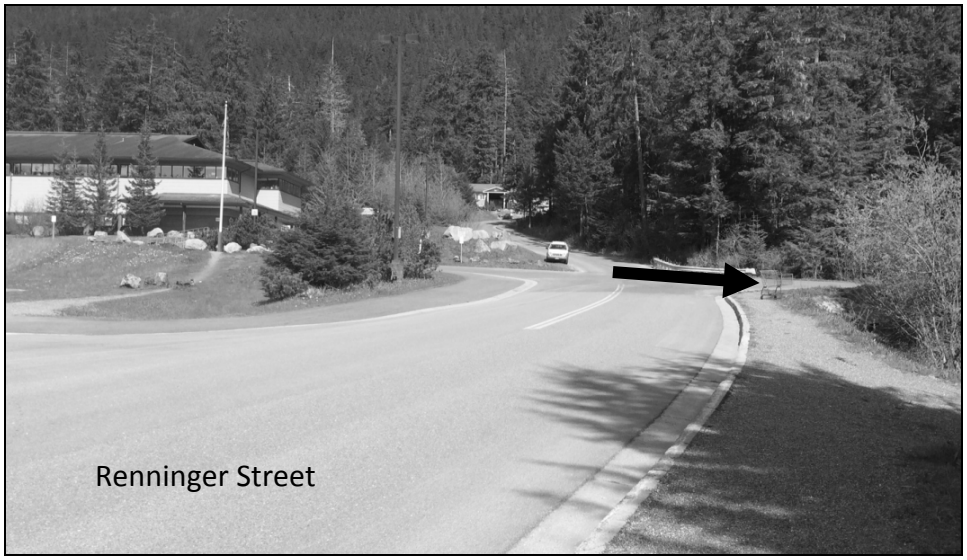


Figure 1: Looking uphill Renninger Street towards new subdivision where the arrow is pointing. Dzantik'i Heeni Middle School can be seen on the left side. Picture taken by CDD staff 5/5/2015.

Traffic Analysis

The new street (Jackie Street) will meet the required minimum dimensions for a public street and consist of sidewalks on both sides, underground drainage, pavement, and curbs and gutters (required per 49.35.210(e)(3)). The proposed subdivision will connect to public water and sewer, in addition to power, phone, and internet.

A Traffic Impact Analysis (TIA) is required for the subdivision because the forecasted total number of generated vehicular trips is approximately 1,100 average daily trips (ADT). According to 49.40.300 (a)(1), a TIA is required for development exceeding 500 ADT. Staff determined the forecasted 1,100 ADT by first determining the Average Daily Trips (ADT) of a single apartment unit (allowed use in the D-15 district) by utilizing the 2003 Institute of Traffic Engineers (ITE) Trip Generation 7th Edition manual. CDD staff uses this manual to determine if forecasted trip generation of a project triggers a TIA. Staff averaged the ADTs weekday and weekend days of apartment units, as provided in this manual. This averaging came to 6.42 ADT for a single apartment unit. Staff multiplied 6.42 by the 171 (maximum allowed dwelling units in proposed subdivision) to total 1,097 ADT (approximately 1,100).

According to the Land Use Code 49.40.305, the purpose of the TIA is to "…identify and assess the impacts of the proposed development on all affected transportation systems. The TIA shall identify any effective development design or operational measures that would mitigate impacts of a development on transportation systems". The TIA must address items under 49.40.305(c) (1-8). As a condition of approving the Preliminary Plat, the applicant must submit a TIA for CDD review that

addresses items under 49.40.305(c) (1-8). Mitigation measures may result from the TIA, as provided under 49.40.330. Staff recommends the applicant submit a TIA prior to Final Plat approval as a conditional of Preliminary Plat approval.

As stated earlier, it is unlikely that all 171 allowed units will be constructed due to costs of construction and environmental challenges. Therefore, fewer than 1,097 average daily trips are expected. However, since all 171 units are allowed to be built, the TIA will ensure transportation systems are maintained or improved.

Pedestrian Access

All lots in the subdivision will have direct access to sidewalks all Jackie Street. The new sidewalks will link to Renninger Street. The sidewalks are intermittent along Renninger Street, and the applicant will extend the existing sidewalk along the east side of Renninger to the sidewalks of the subdivision. This will provide a continuous pedestrian linkage to the Glacier Highway sidewalk whereby pedestrians can reach the nearby CBJ bus stop and shopping opportunities.

The recreational public-use Switzer Trailhead is located along Renninger Street near the subdivision. See Figure 2. This trail connects to other trails in the neighborhood.

The DZ Middle School is located directly across Renninger Street from the proposed subdivision. Residents of the proposed subdivision will likely walk to the school or the nearby basketball court and baseball diamonds. There is currently no crosswalk. The applicant will install a crosswalk or similar feature to provide safe access to the school for pedestrians. The design and construction drawings for the crosswalk will be submitted prior to Final plat approval for review.

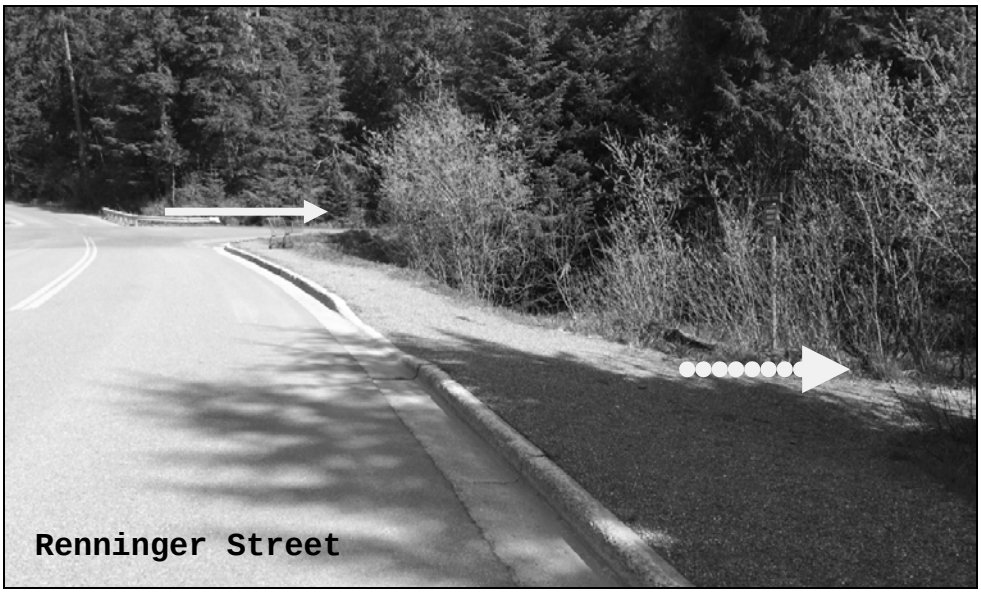


Figure 2: The dashed arrow points to the Switzer trailhead. The solid arrow points to the location of the proposed subdivision. Picture taken by CDD staff 5-5-2015.

Consistency with Adopted Plan

2013 Comprehensive Plan

The proposed subdivision will create new opportunities for additional housing. The Comprehensive Plan states a strong desire for more housing choices and affordable housing. See excerpt below.

> "The three indicators of a housing crisis are the presence of households that (1) are paying more than 30% of their household income for shelter, thereby deemed "overburdened" by housing costs; (2) live in overcrowded conditions, that is, more than one person per room within the home; and/or (3) live in unsafe and/or unsanitary housing units, that is, without a full kitchen and bath. The 2008 American Community Survey by the U.S Census reports that nearly 4,000 of the 12,187 Juneau households spent more than 30% of their household incomes on household costs in 2008. This includes 1,350 households that spent more than 50% of their incomes on household costs. According to the 2010 *CBJ Housing Needs Assessment* report by the Juneau Economic Development Council (JEDC), 38% of Juneau renters and 39% of homeowners do not have affordable housing." Emphasis added. Page 25.

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 4.6. TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.** Page 40.
>
> **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 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE CONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.** Page 114

The proposal meets the policies of the 2013 Comprehensive Plan because it creates an opportunity for future housing in an area that has public water, sewer, and access to transit.

CBJ Capital Improvement Program (CIP)
The proposed subdivision is listed on the Preliminary fiscal year 2016-2021 CIP under 'Switzer Land Development'. Forecasted funding amount has been listed at approximately $5 million for fiscal year 2017. Exact funds and project costs will be determined in the future.

2009 Non-Motorized Transportation Plan (NMTP)
According to page 7 for the NMTP, "The goal of the Juneau Non-Motorized Transportation Plan is to make bicycling and walking safe, convenient and pleasant so that residents choose ac tive forms of transportation more often." The applicant will install a new crosswalk or similar feature and extend an existing sidewalk to the entrance of Jackie Street. With these improvements and the sidewalks within the subdivision, this project will meet the goal of the NMTP.

2012 Safe Routes to Schools Plan
According to the CBJ Safe Routes to School program is to "… create safe, convenient and fun opportunities for Juneau children to walk and bicycle to and from school and thus encourage more children to be physically active."

The following indicates the percentage of students that walk to Dzantik'i Heeni Middle School and identifies nearby streets.

> "Between 10-16% of Dzantik'i Heeni Middle School students walk to or from school on any given day. Students approaching from Switzer Village and Gruening Park use side streets that lead to Renninger Street. Students who live north of Glacier Highway between Switzer Creek and Lemon Creek walk to school either using the Switzer Trail connecting Alaska Avenue and Renninger Street, or, along the north side of Glacier Highway."

This plan recommends new crosswalks at the existing streets which intersect Renninger Street south of the subdivision. The need for a crosswalk at those locations fits the same reason for a future crosswalk where Jackie Street intersect Renninger Street. The applicant will install a sidewalk or similar feature. This will meet the purpose of the Safe Routes to Schools Plan.

LAND USE CODE, TITLE 49

The subdivision meets the minimum lot size and dimension of the underlying D-15 zoning district (49.25.400). The proposed street (Jackie Street) meets the design and construction standards per Article II of 49.35 *Public Improvements*. Staff recommends the applicant submit a TIA prior to Final Plat approval as a conditional of Preliminary Plat approval to ensure compliance with the Land Use Code.

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. 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.

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 15, 2015 and May 25, 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?

No. Approval of the preliminary subdivision will result in a new CBJ street, water, sewer, and storm sewer utilities, each reviewed by appropriate CBJ department staff to meet forecasted capacity and sizing.

A TIA will be required upon submittal of a Final Plat review to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision. Staff recommends this analysis be a condition of Preliminary Plat approval.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. The proposed subdivision results in new multifamily housing development opportunities in a multifamily residential neighborhood.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed subdivision is consistent with the policies of CBJ Comprehensive Plan, Capital Improvement Program, Non-Motorized Transportation Plan, and regulations of the Land Use Code.

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. The applicant has gained preliminary approval by the US Army Corps of Engineers to fill a portion of affected wetlands with the preservation other wetlands within the subdivision as mitigation.

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 Preliminary Plat approval of an eight lot subdivision in Lemon Creek.

We further recommend that the approval be subject to the following conditions:

1. Prior to Final Plat approval, the applicant shall submit a Traffic Impact Analysis to the Community Development Department consistent with the Land Use Code (49.40.305(c) (1-8)). Any improvements recommended in the TIA shall be analyzed by staff and put into project design, where required.

2. Prior to Final Plat approval, the applicant shall submit construction drawings showing a crosswalk or similar feature on Renninger Street that connects the existing northern middle school driveway to Jackie Street.

3. Prior to Final Plat approval, the applicant shall submit construction drawings showing the extension of the eastern sidewalk on Renninger Street connecting with the future sidewalk along Jackie Street.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/15/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
~~Seven~~ Eight Lot Subdivision between Dzantik'I Heeni Middle School and Switzer Creek. Also includes a variance application to the requirement that a "Conservation Lot" must be adjacent to the Mendenhall Wetland State Game Refuge.

PROPERTY LOCATION

Street Address	City/Zip
1598 Renninger Street	Juneau Alaska 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
A Subdivision Within Lot A-2, a resubdivision of Tract A1-A, U.S.S. 5504 and Tract B, Golden Heights Subdivision

Assessor's Parcel Number(s)
5-B14-0-100-017-0

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
City and Borough of Juneau	Greg Chaney	586-0205
Mailing Address	**Home Phone:**	**Fax Number:**
155 South Seward Street, Juneau AK 99801	586-2594	586-5385
E-mail Address	**Other Contact Phone Number(s):**	
greg.chaney@juneau.org	586-0224	

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 Greg P. Chaney CBJ LANDS MANAGER April 15 2015
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	Contact Person:	Work Phone:
Same		
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X Greg P. Chaney CBJ LANDS MANAGER April 15 2015
Applicant's Signature — Date of Application

---OFFICE USE ONLY BELOW THIS LINE---

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
X	City/State Project Review and City Land Action		4/15/15	csp15-009
	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)			
X	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		4/15/15	smp15-005
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
X	Variance Case (De Minimis and all other Variance case types)		4/15/15	var15-014
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: ANE

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number	Date Received
		Smp15-005	4/16/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

- [x] 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:

A Subdivision Within Lot A-2, a resubdivision of Tract A1-A, U.S.S. 5504 and Tract B, Golden Heights Subdivision

Number of Existing Parcels 1 Total Land Area 738.9 Acres Number of Resulting Lots or Parcels 8

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND:

- [ ] YES
- [x] NO

CURRENT USE OF LAND OR BUILDING(S):

Vacant. Boardwalk trail and drainage channel borders southern property line.

PROPOSED USE OF LAND OR BUILDING(S):

Eight lot subdivision intended to be used for multifamily development. A "Conservation Lot" will be included to preserve habitat values. The boardwalk trail and drainage infrastructure will remain in place with easements. Lot 1 consists of the majority of the remaining parcel. It is roughly 725 acres and stretches to Lemon Creek. This lot will be used for future CBJ development and habitat preservation.

UTILITIES AVAILABLE:

WATER: [ ] Public [x] On Site SEWER: [ ] Public [ ] On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

The lot contains high value wetlands and small tributaries which feed into Switzer Creek. Switzer Creek flows directly into the Mendenhall Refuge. Lower value wetlands border Renninger Street so it is not possible to build a driveway or road to the site without wetland fill. See Attached Memo.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

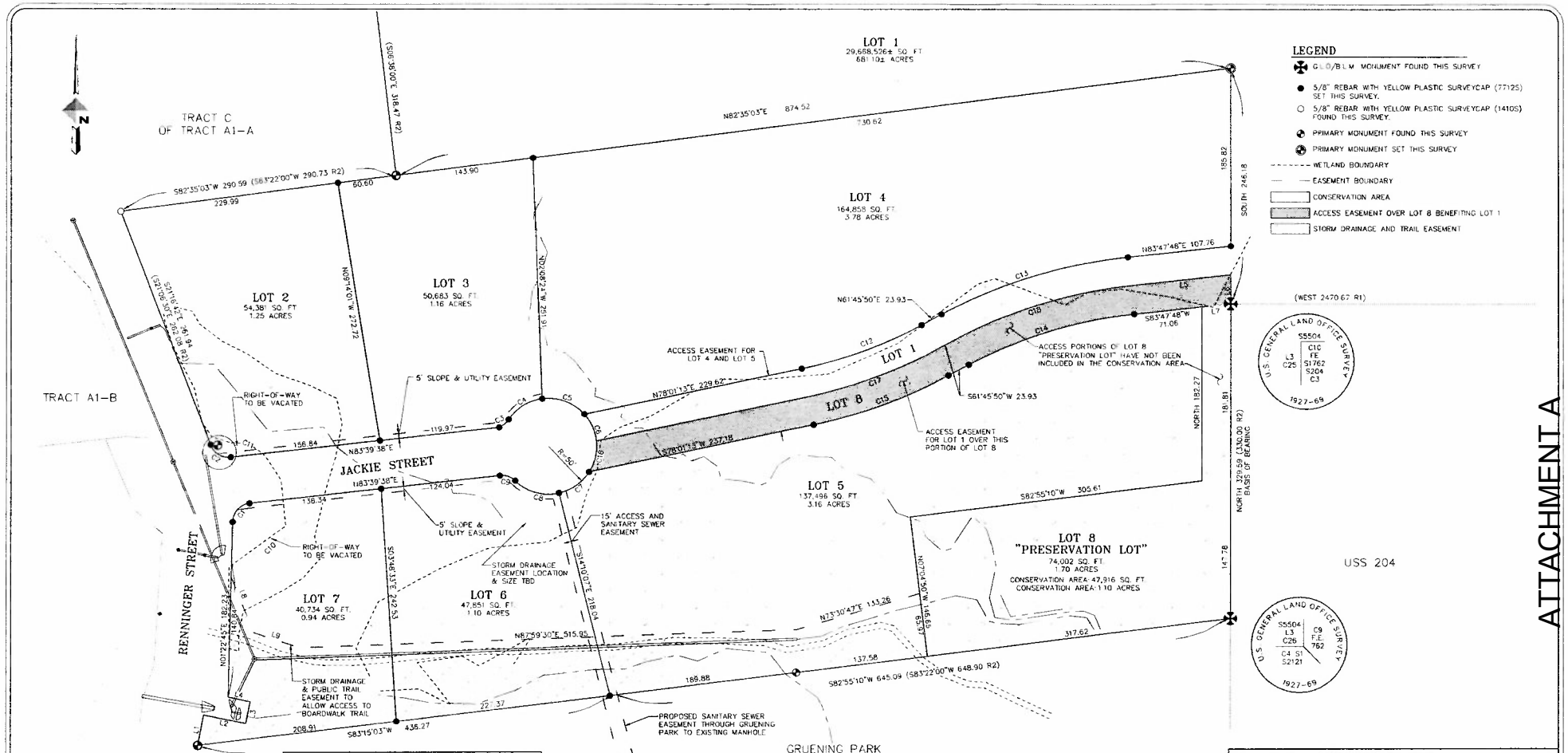
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 880.00			4/15/15
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$ 100			
Total Fee	1030.00 $ 880.00	paid by PAC		4/15/15

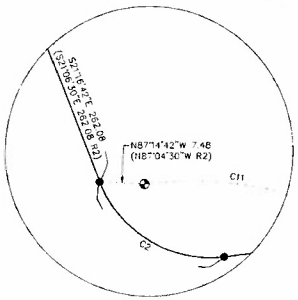
NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

ATTACHMENT A



LEGEND

- G.L.O./B.L.M. MONUMENT FOUND THIS SURVEY
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (77125) SET THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (1410S) FOUND THIS SURVEY.
- PRIMARY MONUMENT FOUND THIS SURVEY
- PRIMARY MONUMENT SET THIS SURVEY
- WETLAND BOUNDARY
- EASEMENT BOUNDARY
- CONSERVATION AREA
- ACCESS EASEMENT OVER LOT 8 BENEFITING LOT 1
- STORM DRAINAGE AND TRAIL EASEMENT



DETAIL
N.T.S.

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	CHORD
C1	28.72	82°16'53"	20.00	S42°31'11"W 26.32
C2	26.20	75°03'40"	20.00	N58°48'32"W 24.37
C3	17.45	49°59'41"	20.00	S58°39'47"W 16.90
C4	42.30	48°28'05"	50.00	S57°53'59"W 41.05
C5	48.74	55°51'16"	50.00	N69°56'20"W 46.84
C6	31.19	35°44'36"	50.00	S24°08'24"E 30.69
C7	39.13	44°50'08"	50.00	N54°49'35"E 38.14
C8	49.23	56°24'40"	50.00	S74°33'01"E 47.26
C9	17.45	49°59'41"	20.00	N71°20'32"W 16.90
C10	93.19	87°31'58"	61.00	N39°56'12"E 84.39
C11	42.68	40°05'22"	61.00	N77°16'08"W 41.82
C12	133.35	16°15'23"	470.00	N69°53'32"E 132.91
C13	203.81	22°01'58"	530.00	N72°46'49"E 202.56
C14	180.74	22°01'58"	470.00	S72°46'49"W 179.63
C15	150.38	16°15'23"	530.00	S69°53'32"W 149.87
C16	33.75	38°40'37"	50.00	S13°04'12"W 33.11
C17	141.86	16°15'23"	500.00	S69°53'31"W 141.39
C18	192.27	22°01'58"	500.00	S72°46'49"W 191.09

LINE TABLE

LINE No.	BEARING & DISTANCE
L1	N11°27'30"E 32.00
L2	S78°32'30"E 45.00
L3	N11°27'30"E 23.00
L4	N78°32'30"W 23.82
L5	S83°47'48"W 104.50
L6	NORTH 30.18
L7	S83°47'48"W 30.18
L8	S22°43'23"E 63.06
L9	S72°27'13"E 49.94

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: APRIL, 2015

STATE OF ALASKA
49th
William T. Pence
No. 7712-S
REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY PLAT

RENNINGER SUBDIVISION

A SUBDIVISION WITHIN LOT A-2, BEING A RESUBDIVISION OF TRACT A1-A, U.S.S. 5504 AND TRACT B, GOLDEN HEIGHTS SUBDIVISION

CITY AND BOROUGH OF JUNEAU, ALASKA, JUNEAU RECORDING DISTRICT

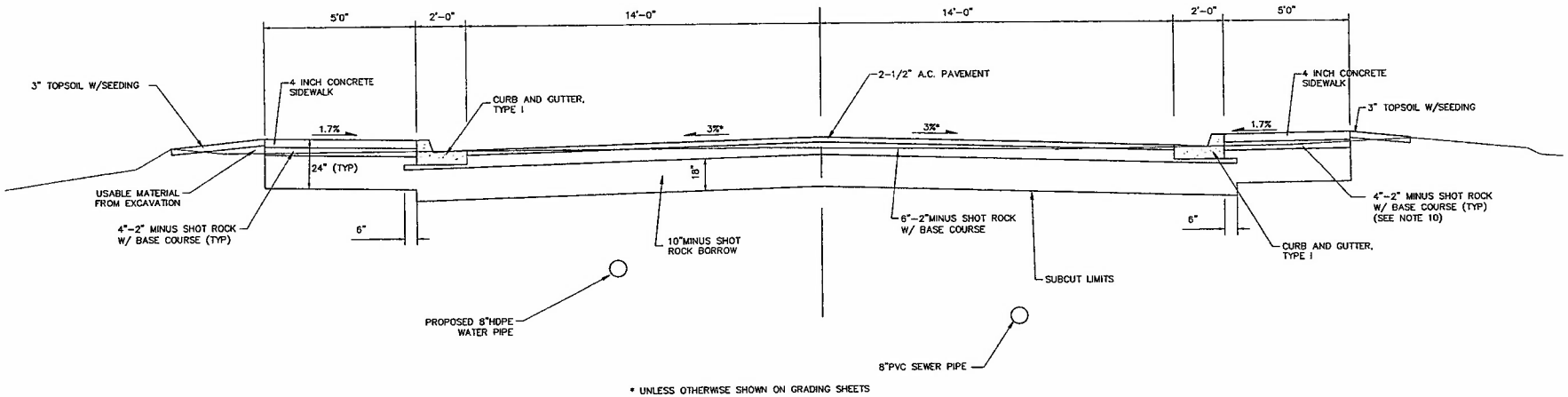
DOWL

CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

OWNER

CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1"= 50'	APR. 2015	J70725		2 OF 2



* UNLESS OTHERWISE SHOWN ON GRADING SHEETS

ATTACHMENT B

RECEIVED
APR 15 2015
PERMIT CENTER/CDD

DOWL
5368 Commercial Blvd.
Juneau, Alaska 99801
(907) 780-3533 Office
(907) 780-3535 Fax
Consulting Engineers • Land Surveyors • Construction Administration

JOB NO. JF0725.01	DRAWN BY: STAFF	DESIGNED BY: N. HOBBS	CHECKED BY: STAFF	DATE: APRIL 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DEPARTMENT OF ENGINEERING

SWITZER CREEK SUBDIV.
PRELIMINARY DESIGN
CONTRACT NO. E15-082

TYPICAL SECTION - SWITZER CREEK SUBDIV.

SHEET NO. 3 of 3

Q:\27\70725-01\65CAD\MC14-CT-CR-70725-01.dwg 2015-4-14 11:26:56

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: May 27, 2015
File No.: SMP2015 0005

City and Borough of Juneau
Lands and Resources Division
130 S. Franklin Street
Juneau, Alaska 99801

Application For:	Preliminary Plat review for an eight lot subdivision in a D-15 zoning district.
Legal Description:	Lot A2 USS 5504
Property Address:	1598 Renninger Street
Parcel Code No.:	5-B14-0-100-017-0
Hearing Date:	May 26, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 13, 2015, and approved the preliminary plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to Final Plat approval, the applicant shall submit a Traffic Impact Analysis to the Community Development Department consistent with the Land Use Code (49.40.305(c) (1-8)). Any improvements recommended in the TIA shall be analyzed by staff and put into project design, where required.

2. Prior to Final Plat approval, the applicant shall submit construction drawings showing a crosswalk or similar feature on Renninger Street that connects the existing northern middle school driveway to Jackie Street.

3. Prior to Final Plat approval, the applicant shall submit construction drawings showing the extension of the eastern sidewalk on Renninger Street connecting with the future sidewalk along Jackie Street.

Attachment: May 13, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMP2015 0005.

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, [Insert Date of Meeting].

Expiration Date: The permit will expire 18 months after the effective date, or November 26, 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

_____

Filed With City Clerk Deputy Clerk

5/29/2015
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: May 21, 2015

TO: Planning Commission

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

FILE NO.: TXT2009-00001

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

ATTACHMENTS

Attachment A Subdivision Ordinance No. 2015-03

Attachment B Memo from City Attorney Amy Mead, May 21, 2015

BACKGROUND

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

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

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

The Subdivision Review Committee (SRC), a subcommittee of the Planning Commission, worked with CBJ staff in the review and creation of these proposed changes. In October, 2014, the SRC finished its review of the proposed changes and moved it to a Planning Commission Committee of the Whole meeting for overview and consideration. With unanimous approval, the Committee of the Whole at its November 13, 2014, moved the proposed changes, with one exception, to the full Planning Commission for public hearing. On December 9, 2014, the Planning Commission moved the proposed changes to the Assembly for approval.

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

The draft ordinance incorporating these changes was brought back to the Subdivision Review Committee (SRC) for review and to discuss key policy questions that arose during ordinance creation, such as privately maintained access in rights-of-ways, common wall subdivision setback rules regarding additional development along the common wall boundary, and triggers for street improvements when 250 average daily trips are exceeded in subdivisions along private roads. The SRC met March 17, March 24, and finished its review at its March 31, 2015, meeting. Since then, changes to the remote area subdivisions requirements were added to the draft ordinance in order to incorporate remote subdivisions that can be accessed by a road; currently, the Code only addresses remote subdivisions that can be accessed by navigable waterbodies. The SRC held meetings in April and to provide policy direction regarding how a “roaded” type of remote subdivision can occur. Staff has incorporated this direction into the current draft ordinance.

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

CHAPTER 49.10 Administration and Compliance

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

Changes are proposed to this chapter to reflect the following:

- Planning Commission meetings are to be conducted under Robert’s Rules of Order, rather than Mason’s Manual (CBJ 49.10.130(d));
- Deletion of a specific term in CBJ 49.10.130(e), “and evidentiary” from development forms to make it more general rather than specific;

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

CHAPTER 49.15 Permits

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

- Inclusion of a new section for permit application cancellation and withdrawal. This section proposes a mechanism for applications to be cancelled due to inactivity by the applicant. Currently, there is no provision in Code to cancel applications; this results in numerous "open" inactive permits, some decades old. Additionally, this section includes notification that if an applicant withdraws an application just prior to the public hearing, then the application fee will be forfeited. This new section will apply to all permit types, not just subdivisions. (CBJ 49.15.150, Application cancellation and withdrawal).
- The Public Notice section includes additions and changes to clarify the intent of the public notice requirement. These changes include allowing the Director to determine public notice sign locations, requiring possible additional signs, requiring notification to proximate CBJ-recognized neighborhood associations, and that public mailing cost will be incurred by the applicant rather than the CBJ (CBJ 49.15.230, Public notice). For example, some properties may be very large or have access from two or more rights-of-way. In cases such as this, the Director can require additional public notice signs in order to ensure adequate public notice.
- The Development Permit Expiration section is deleted as it is incorporated into the new application and cancellation section in CBJ 49.15.150, as noted above (CBJ 49.15.240, Development permit expiration).

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

standardize the approval process for Minor Subdivisions. The Notice of Decision will clarify the status of the subdivision and itemize all remaining conditions for completion. Public notice will be required for minor subdivisions. The preliminary plat Notice of Decision may also be used by the developer to assist with obtaining financing so that construction can occur which is required for final plat approval.

- **Public notice required for Minor Subdivisions -** Currently, public notice is not required for Minor Subdivisions, but with the proposed increase in lots, the abutting or directly adjacent neighbors will be notified that subdivision will occur on the property.
- **Privately maintained access in right-of-way option available** – With an approved permit, a Minor Subdivision of 13 or fewer lots, can construct a privately-maintained access in the right-of-way. This is discussed in more detail later in the report.

o **MAJOR SUBDIVISIONS –**

- **14 or more lots** – The threshold for Major Subdivisions will increase from 5 lots to 14 lots.
- **Two-step process –** The current two-step process for Major Subdivisions will remain in place, preliminary plat and final plat. These two steps will require public hearings and approval by the Planning Commission. Conditions can be placed on the preliminary and final plats.
- **The criteria, or findings, for approval of Major Subdivisions will be modified.** Currently, the criteria for approval of Major Subdivisions are the same as those used for approval of Conditional Use permits. Currently, major subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. For example, one of the existing criteria that must be considered for approval of a Conditional Use permit is *"will substantially decrease the value of or be out of harmony with property in the neighboring area…".*

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

- **A pre-application meeting is required for Minor and Major subdivisions.** The purpose for requiring a pre-application meeting is to help identify any major issues and/or required improvements early on in the process before an applicant completes costly plans and reports for subdivision platting. A sketch plat is required at the pre-application meeting for Major Subdivisions. For Minor Subdivisions, a sketch plat may be required at the Director's discretion.
- **The submittal and approval of construction plans will be integrated into the subdivision permitting process.** Approval of construction plans and completion of public improvements are a fundamental part of subdivision development. However, these major components are not currently clearly integrated into the subdivision approval process.
- **Plat standards and requirements** - The requirements for preliminary plats and final plats are clear in the proposed ordinance for Minor and Major Subdivisions. There is confusion with the current Code requirements as to what applies for a minor subdivision preliminary plat and what is required for a Major Subdivision. These changes clarify the necessary requirements and standards.

- **Lot Design –** All lots will meet the minimum dimensional standards for the zoning district in that they are located in. This remains the same as with current Code requirements. The following lot types are exceptions to this requirement. Some of these existing exceptions are being amended, deleted, or expanded, as detailed below.
  - **The "minimum rectangle" or Director's Discretion lot design –** this section of Code gives the Director discretion to approve lot design that does not meet the minimum dimensional standards, but does meet minimum lot size requirements in cases of difficult topography or other circumstances. This section of code is being deleted in the draft ordinance as it has resulted in inefficient usage of land and poor subdivision design. Usually, this section results in lots that appear to be panhandles, but are not true panhandle design. Panhandle lot design is meant to apply to more rural lots that are large, but insufficiently wide; they result in two lots with shared access and a restriction that further subdivision is not allowed. The minimum rectangle section of Code has created lots that appear to be panhandles, but are not.
  - **Panhandle lots –** Panhandle lot design will include a limitation on the length of the panhandle – the portion that provides access from the road to the main portion of the lot. The panhandle portion cannot be longer than 300 feet in D-1 zone districts and 1-1/2 times the minimum lot depth in other residential districts. The minimum lot size for panhandle lots remains the same at 20,000 for those served by a public sewer system or 36,000 for those not served.
  - **Public use lots –** This is a new section of code that allows the Director for Minor Subdivisions and the Planning Commission for Major Subdivisions to waive the minimum dimensional requirements for lot size, width, and depth, as well as lot frontage requirements for lots that will serve in the public interest, such as a park, open space, public or private utilities, conservation lots, or similar uses. The current Code already

allows conservation lots when they are adjacent to the Mendenhall Game Refuge Area. The proposed ordinance would remove that restriction and allow conservation lots in any location where conservation lot requirements are met. The Director or Planning Commission can place restrictions that limit building development, further subdivision, or other restrictions and will be noted on the plat.

- **Access –** The Access section is included in the Subdivision Design section in Division 3, Chapter 15. Currently, because Code language regarding access is located in multiple sections, it isn't clear when the requirements apply for access TO the subdivision or for access WITHIN the subdivision. This proposed section combines those requirements in one section and makes it clear what the requirements are that pertain for access TO the subdivision and for WITHIN the subdivision. Regardless, all lots must have a minimum of 30 feet of frontage (or the minimum lot width required for the zoning district) on a right-of-way (publically maintained or privately maintained), a navigable water body, or a pioneer path. (CBJ 49.15.424 Access)
- **Privately maintained access in rights-of-way -** This section is moving from the Public Improvements chapter (Chapter 35) to the Permits chapter, Chapter 15, and is expanded from its current use. Currently, the Director can approve a permit that allows a driveway to be built in an existing platted, but unbuilt public right-of-way, that provides access to the owner's lot. Currently, the Director can approve the permit for minor subdivisions and the Planning Commission can approve for Major Subdivisions through the Conditional Use process. This "driveway in the right-of-way" permit allows development to occur on lots that were previously platted, and the right-of-way provided, but not built. Current Code requires that the street must be constructed to CBJ standards before development can occur. This existing section recognizes that many rights-of-way were previously platted "on paper", but were not built. To provide relief to the lot owners along those unbuilt rights-of-way from paying for the cost of street improvements, they can apply for a driveway in a right-of-way permit that will provide them access to their lot. The current use of this permit type is that it only applies to previously platted subdivisions, not new subdivisions, and further subdivision cannot occur until the road is built to city standards and accepted for public maintenance.

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

  Owners that will be served by the privately maintained access road will be required to enter into an access agreement with the CBJ. The owners' must create an owners' association for the purpose of executing the duties outlined in the agreement and must also carry liability

insurance to provide for coverage for claims arising out of or related to the privately maintained access road. The agreement will acknowledge the following:

- That the CBJ will not provide maintenance or snow removal;
- That the agreement runs with the land and binds all heirs and successors;
- That the CBJ is not liable for any injury, loss, or damage from the privately maintained access;
- That the access road will not be blocked in any way;
- That the CBJ will have unimpeded access in the right-of-way;
- That the property owners will provide maintenance of the access road for year-round reasonable access and to allow for safe vehicular access;
- The CBJ will record the agreement with the State Recorder's Office for each lot or parcel of land subject to the agreement at the owner's cost;
- That the owners are required to pay for right-of-way upgrades when existing or proposed development served by the privately maintained access road exceeds 250 average daily trips;
- The owners are prohibited from subdividing unless the access is upgraded or all property owners served by the privately maintained access sign a new agreement;
- Any new development that increases the estimated traffic above 250 ADT shall pay a proportionate share of the costs of the right-of-way upgrades (the proportionate share shall be the percentage increase in average daily trips); and
- The owners authorize the CBJ to amend the access agreement by adding a new owner only upon written approval of all existing owners subject to the original agreement, and the new agreement supersedes the previous agreement.

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

- **Right-of-way Acquisitions -** Currently the Code does not address the unique situation concerning right-of-way acquisitions and associated platting requirements. This Code section will provide an orderly process to assist the CBJ and the State with right-of-way acquisitions by tailoring the platting requirements to facilitate construction of right-of-way. Regardless of the number of lots proposed, the intent is that right-of-way plats will be reviewed as Minor Subdivisions by the Director. However, if the land acquisition will create a non-conformity to any of the lots, the Planning Commission will review it as a Major Subdivision and may condition approval. (CBJ 49.15.590, Right-of-way acquisitions.)
- **Monumentation** - The monumentation and platting requirements from Title 4 of the CBJ Administrative Code, as well as the monumentation sections from Chapter 35, are moving to this chapter to consolidate platting requirements in one location.

- **Remote Subdivisions** - The Remote Area Subdivisions section, the bulk of which is from Chapter 70, is now located in the subdivision section, Division 5. The Remote Area map will be deleted as part of this Code update. The proposed changes make it clear which properties are eligible for a remote subdivision thereby eliminating the need for a map. Eligible properties must meet the following criteria in order to be deemed remote and able to subdivide:
    - must be accessible solely by navigable water or a pioneer path;
    - must be located outside of the roaded service area and the fire service area;
    - must be at least one-half mile outside of the roaded service area boundary; and
    - cannot be accessible by vehicular traffic that weighs more than 1,000 pounds gross vehicle weight, nor be wider than 48 inches.

  Further limitation include that remote subdivisions accessible by a pioneer path are limited to thirteen or fewer lots and will be reviewed by the Planning Commission using the minor subdivision process and can impose conditions and restrictions. Additional design and improvement requirements for remote subdivisions are located in Chapters 15 and 35. Remote subdivisions are exempt from the water system requirements proposed at CBJ 49.35.310. Sewer requirements can be met by providing a community and cluster wastewater system or by providing on-site wastewater systems as outlined in CBJ 49.35.410. Additionally, the following specific requirements are proposed:

  Remote subdivisions accessed solely by navigable water:

  - all lots must provide a minimum of 30’ of frontage, and direct and practical access to, either the navigable water or a right-of-way. The right-of-way must have direct and practical access to the water.
  - Minimum right-of-way width within the subdivision is 60 feet.
  - The Commission and the Director may waive roadway improvements and other street construction requirements.

  Remote subdivisions access solely by pioneer path:

  - all lots must have direct and practical access and a minimum of 30’ of frontage on the right-of-way.
  - Minimum right-of-way width within the subdivision for interior access is 60 feet.
  - Interior access will be provided solely by a pioneer path within the right-of-way.
  - Grades for the pioneer path cannot exceed 18 percent and the maximum cross slope grade must not exceed five percent.
  - The pioneer path width cannot exceed 54 inches of tread and must be located within a six foot corridor.

- Pioneer paths shall be designed and constructed to prohibit vehicular traffic wider than 48 inches from using the path, and may include the use of boulders, bollards or other types of structures.

- **Planned Unit Developments** – this section is amended to add reference to the Stormwater Best Management Practices manual regarding stormwater management. Additionally, the definition section at CBJ 49.15.680 is being removed and placed into CBJ 49.80, the definitions chapter, to consolidate all definitions in one location.

CHAPTER 49.25 Zoning Districts

Changes are proposed to this chapter to reflect the following:

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

CHAPTER 49.35 Public Improvements

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

- A general applicability section will replace CBJ 49.35.120 and 130 that combines the intent of both existing sections.
- Construction plans are required for most subdivisions; however, the existing Code does not make it clear how construction plan review and approval fits into the subdivision process. This amended section, as well as the subdivision process section in CBJ 49.15. Article IV, provides that needed clarity regarding the process as well as the requirements. (CBJ 49.35.140, Construction plans.)
- **Street standards -** The street standard requirements outlined below were proposed by the Ad Hoc Housing Subcommittee and then listed as a priority on the CBJ housing matrix in 2013. These changes were requested by the Public Works and Facilities Committee and drafted by staff to aid in the facilitation of affordable housing. The costs to put in the required infrastructure, namely roads, sidewalks, curbs, gutters, and drainage, are high. By reducing the standards, it is presumed that it will cost the developer less to subdivide the land and develop

the lots. The theory is that more affordable housing will become available as the cost of the road improvements will not be passed along to the future homebuyer. This newly expanded option to create a privately maintained access road in new rights-of-ways enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. The existing and proposed street standards are outlined below.

- Currently, the following street construction standards apply. Different requirements apply if the subdivision is located within the Urban Service Boundary and in other circumstances, as shown below:

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

* Developer is not responsible for construction of arterial streets

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

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

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

  The proposed street standards are shown below:

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

* Or as required by the Fire Code at CBJ 19.10
** Right-of-way width may be reduced
*** Paving of roadway required for any street type within the area within the PM-10 Non-Attainment Area Map

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

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

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

CHAPTER 49.40 Access, Parking and Traffic

Changes are proposed to this chapter to reflect the following:

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

CHAPTER 49.65 Specified Use Provisions

Changes are proposed to this chapter as follows:

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

CHAPTER 49.70 Specified Area Provisions

Changes are proposed to this chapter as follows:

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

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

CHAPTER 49.80 Definitions

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

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

POTENTIAL POLICY IMPLICATIONS OF PROPOSED CHANGES

- These proposed changes expand when the Director makes final decisions and limits the Planning Commission's final decisions, such as by increasing the threshold for Minor Subdivisions. When the Director makes a final decision on a permit, a person can appeal that decision to the Planning Commission pursuant to CBJ 49.20.110. Planning Commission decisions are also appealable to the Assembly. Potentially, more appeal cases stemming from the Director's decisions may come to the Planning Commission.
- The option to create a privately maintained access road in rights-of-ways (currently at 20-feet wide) enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. While this might enable lower income home buyers to initially purchase these homes, they might not be able to pay for the road upgrade in the future when it is needed and thus, may seek assistance from the CBJ by requesting a Local Improvement District or a Capital Improvements Project for improvements.
- Gravel roads are not allowed in the PM-10 Non-Attainment Management Area which generally covers the Mendenhall Valley. The Environmental Protection Agency declared the Mendenhall Valley a non-particulate matter attainment area due to air quality exceedances, in accordance with the Federal Clean Air Act, and there is a non-attainment area plan in place. Gravel roads would increase the particulate matter, and in conformance with that plan, would not be allowed in this area.
- Regarding public notice, the Minor Subdivision process now proposes a new public notice type that will notify adjacent neighbors of a proposed subdivision (of thirteen lots or fewer). Minor Subdivisions currently have no public notice requirement. Since the threshold for Minor Subdivisions has increased from the previous threshold of four, this new public notice type was proposed. This adds another type of public notice. The proposed changes also give the Director discretion to require additional signs and can also indicate where they can be placed.
- Conservation lots are currently limited to the Mendenhall Wetlands Game Refuge. The proposed change would remove that restriction and allow them to be created anywhere, expanding their applicability.
- By allowing right-of-way acquisition plats to be processed as minor subdivisions regardless of the number of lots involved, public notice will only be sent to those parcels immediately adjacent to those affected by right-of-way expansion. No longer will there be a public hearing (or hearings) at which the greater public can provide input as affected parties to the proposed government action.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Chapter 7 – Natural Resources and Hazards

AIR QUALITY

Discussion on Page 87: ***Air quality refers to the quality or purity of the air we breathe, the quality of the air we see and see through, as well as the absence of harmful, nuisance or annoying sounds or***

odors that are transmitted through the air. Although breathable and visible air quality in the CBJ area has generally been high, it can be a serious problem in some areas of concentrated burning of fire places, wood-stoves, outdoor burning of refuse, and the increase of engine emissions from vehicles, cruise ships and aircraft. The Mendenhall and Lemon Creek Valleys are the areas most seriously affected by breathable air pollution, due to air inversions during the winter months. The CBJ has adopted air quality control regulations that prohibit wood-stove burning during periods of poor air quality, provide for emission standards for new wood-stoves, prohibit open burning during the winter, and require construction of energy- efficient single-family homes. The CBJ has also enacted laws to regulate open burning. Another significant effort being made to assure compliance with air quality regulations is through the program to pave residential streets to control dust. As a result of these efforts, the CBJ's air quality is relatively good most of the time.

POLICY 7.9 TO CONTINUE EDUCATIONAL PROGRAMS, CAPITAL IMPROVEMENT PROJECTS, AND REGULATORY MEASURES TO PROTECT AND IMPROVE OVERALL AIR QUALITY.

Chapter 8 – Transportation

Local Transportation System

POLICY 8.5 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.

8.5 – DG1 Require dedication of all rights-of-ways and easements, including those for trails, roads and transit corridors and facilities on subdivision plats and development plans as determined to be appropriate by the Planning Commission for that development. Obtain commitments to construct trails and local and collector roadway improvements from private developers when projects are approved, and ensure that those improvements are complete prior to issuing building permits on adjacent properties within that development.

8.5 – DG2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

8.5 – DG4 Minimize access roadways or driveways onto major and minor arterial roadways or highways by requiring shared access points, such as a frontage road, and connections to adjacent subdivisions' roadways that lead to a "downstream" controlled or grade-separated intersection.

Chapter 10 – Land Use

Neighborhood Facilities

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A

DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

10.5 - SOP1 Encourage public/private partnerships in the development of new subdivisions with roads, intersections, separated pedestrian and bicycle pathways/trails, water and sanitary sewer systems that meet adopted CBJ standards.

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

POLICY 10.6. TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

10.6 - IA2 The CDD should improve the development review process to require all applications for major residential developments, including major subdivisions, to provide detailed site information at the pre-application stage of review that identifies existing on-site slopes, soil characteristics, natural hazards, drainage channels, locations of old growth trees, access to streets and public utilities, and existing buildings or historic resources, along with the proposed building(s) pads, lot configuration(s), drainage systems, and new road configurations. This pre-application review would focus the site and project analysis and would expedite the review process once the application is made.

Chapter 18 – Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

POLICY 18.1. TO ESTABLISH THIS COMPREHENSIVE PLAN AS THE PRIMARY POLICY DOCUMENT WITH WHICH TO GUIDE RESOURCE CONSERVATION AND FUTURE GROWTH AND DEVELOPMENT AND TO MANAGE THE PHYSICAL ENVIRONMENT.

18.1 - IA2 Revise, as necessary, zoning, subdivision and other land development ordinances to ensure consistency with the Plan's provisions. Amend the Land Use Code Maps (zoning designation maps), considering them to be the official application of the *Comprehensive Plan* Maps, to ensure that the zoning designations of specific sites within the CBJ are consistent with the Land Use Map designations of this *Plan*.

Discussion

The proposed changes regarding subdivision regulations generally support and further the Comprehensive Plan. The intent of the changes is to:

- Establish a process that facilitates the fair and predictable division of land;
- Encourage efficient and cost-effective provision of public services;
- Address traffic and circulation to reduce congestion;
- Provide for flexibility in the division and establishment of residential and commercial lots;
- Establish procedures for subdividing land to accommodate a variety of housing types; and

- Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance.

One proposed change does not necessarily further the intent of Comprehensive Plan; this is regarding air quality generated from unpaved roads. Subdivisions that would generate 250 average daily trips (ADT) or less can construct gravel roads. These proposed changes could potentially increase the amount of unpaved roads in the City and Borough of Juneau which would impact air quality. However, current Title 49 requirements already allow gravel roads or unpaved roads to be built within the CBJ in certain situations. Currently, with approval, driveways in rights-of-ways can be built in existing unbuilt rights-of-ways; they cannot be built in newly created rights-of-ways and no further subdivision is allowed until the right-of-way is built to CBJ standards. Additionally, outside the Urban Service Area, local streets are not required to be paved. The proposed changes may potentially increase the amount of unpaved roads, and thereby, potentially impact air quality. While the Comprehensive Plan discusses air quality and unpaved roads, there is no clear policy, development guideline, implementing action, or standard operating procedure regarding the requirement to pave roads.

COMPLIANCE WITH THE JUNEAU NON-MOTORIZED TRANSPORTATION PLAN

The Juneau Non-motorized Transportation Plan includes twelve policies to support and encourage active transportation and increase the safety and effectiveness of the existing non-motorized system.

Policy 4 – Private Sector Development. Review design standards in Title 49 to provide opportunities to make subdivision design more context sensitive.

> *4B. In CBJ Chapter 49.35 Public Improvements, bike paths are listed under Article VI. Pedestrian Access. CBJ municipal code at Title 72 subjects bicyclists on roadways to all the duties applicable to vehicles. Accordingly, CBJ 49.35.630 Bike Paths, should be listed under Article II, Streets.*

Policy 5 – Transportation Planning. Integrate motorized and non-motorized transportation planning.

> *5B. In new subdivisions and neighborhoods, install facilities for non-motorized transportation, such as paths connecting cul-de-sacs or linking to broader trail systems, at the same time as the rest of the transportation network. This will ensure home purchasers know about and can use the non-motorized network and will prevent later 'surprises'. Note that not all neighborhood trails that connect cul-de-sacs and serve other non-motorized purposes that have been approved by the Planning Commission are captured on the maps.*

Discussion

The proposed subdivision changes include re-naming and amending the Pedestrian Access section in Chapter 35. Article IV of Chapter 35, the Public Improvement chapter, is now the Public Access section and includes Pedestrian and bicycle access requirements, streams and bodies of water, trailhead dedications, and acceleration and deceleration lanes. Shared-use pathways of a width no less than ten feet have been added to this section. Shared-use pathways may be required through blocks longer than 600 feet or where deemed necessary to provide circulation within and between residential areas

or to provide access to schools, shopping, or other community facilities. Sidewalks are required on one side for subdivisions that will generate more than 250 ADT and are required on both sides for those generating more than 500 ADT. Like the current code, sidewalk construction requirements may be waived in certain instances, but allow alternative pedestrian improvements.

FINDINGS

Staff finds that the proposed amendments are generally consistent with the Comprehensive Plan as they propose to facilitate orderly development and the fair and predictable division of land as well as to encourage more affordable housing by providing more options regarding subdivision improvement requirements. However, providing options for gravel streets may conflict with air quality policies as well as the potential costs to the CBJ for future improvements.

RECOMMENDATION

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-03

An Ordinance Amending the Land Use Code.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.10.130, Meetings, is amended to read:

49.10.130 Meetings.

(a) Regular meetings shall be held on the second and fourth Tuesday of each month.

(b) Special meetings may be called by the chair or any three members of the commission. Public notice of special meetings shall be made 24 hours in advance and shall be supplied to the local news media and posted on the municipal bulletin board. Commission members will be notified by the department.

(c) Public notice for all permits and other land use ordinance actions shall be according to the requirements established for such actions.

(d) Meetings shall be conducted under Robert's Rules of Order ~~Mason's Manual~~, as modified by the commission.

(e) The commission may, by motion, establish its own rules of procedure and committees, meeting times, dates and places, media for public notice, development application ~~and evidentiary~~ forms, referral and review agencies and procedures, and any other matter reasonably necessary or desirable for the full and complete conduct of its duties pursuant to this title and any other provision of law.

ATTACHMENT A

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

49.10.770 Meetings.

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

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

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

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

49.10.790 Rules of Procedure.

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

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

49.15.150 Application cancellation and withdrawal.

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

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

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

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

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

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

49.15.230 Public notice.

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

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

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

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

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

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

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

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

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

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

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

49.15.239 Effective date.

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

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

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

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

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

49.15.330 Conditional use permit.

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

. . .

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

. . .

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

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

Article IV. Subdivisions

Division 1. Permits

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

Division 2. Plat Requirements

49.15.410 Sketch plat.
49.15.411 Preliminary plat requirements.
49.15.412 Final plat requirements.
49.15.413 Plat expiration.
49.15.414 Plat effective date.
49.15.415 Recorded plats legalized.

Division 3. Design

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

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

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

Division 5. Remote Subdivisions

49.15.440 Remote subdivisions.
49.15.441 Applicability.
49.15.442 Improvement standards.

Division 6. Survey and Monumentation Standards

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

Division 1. Permits

49.15.400 Purpose and applicability.

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

article is intended to:

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

(2) Encourage the efficient and cost-effective provision of public services;

(3) Address traffic and circulation to reduce congestion;

(4) Provide for flexibility in the division and establishment of residential and commercial lots;

(5) Establish procedures for subdividing land to accommodate a variety of housing types; and

(6) Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance.

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

49.15.401 Minor subdivisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The preliminary plat complies with CBJ 49.15.411.

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

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

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

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

(i) The subdivision meets applicable drainage and water quality

requirements.

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

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

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

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

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

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

(f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The application shall be approved if the following criteria are met:

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

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

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

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

(g) *Plat recording.*

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

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

49.15.402 Major subdivisions.

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

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

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

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

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

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

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

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

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

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

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

(E) Whether the director of engineering and public works has reviewed the

application and determined that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.15.403 Lot consolidations.

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

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

(2) If the director determines that a plat is not required, the applicant shall submit a drawing, satisfactory to the director, indicating all existing and proposed lot lines.

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

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

(2) CDD receives certification from the CBJ Treasurer that all real property taxes

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

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

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

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

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

49.15.404 Public way vacations.

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

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

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

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

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

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

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

(5) The application fee.

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

(7) If a traffic impact analysis is required or likely to be required as determined by the director, a traffic impact analysis in accordance with CBJ 49.40, Article III.

(d) *Commission review process*.

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

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

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

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

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

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

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

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

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

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

(7) After public hearing, the commission shall make a recommendation to the assembly to approve, approve with modifications, or deny the proposed vacation request. The commission shall prepare written findings in support of its recommendation, which shall be forwarded to the assembly for its consideration. If the commission recommends approval of the request or approval with modifications, the commission must also make the necessary findings to determine how title to the

vacated area should be ordered as follows:

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

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

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

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

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

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

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

Division 2. Plat Requirements

49.15.410 Sketch plat.

(a) The sketch plat serves the following purposes:

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

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

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

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

(c) A sketch plat shall include the following:

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

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

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

(4) The name of the owner.

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

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

(7) The approximate location of existing structures.

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

(9) Proposed phasing, if applicable.

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

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

subdivision.

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

(13) The approximate location of any parcels proposed to be set aside for public use or for the use of all the property owners within the proposed subdivision, if applicable.

(14) Proposed connections to sewer and water or a plan for any on-lot wastewater disposal.

(15) Proposed plans for collecting and discharging drainage water.

49.15.411 Preliminary plat requirements.

(a) The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska.

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

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

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

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

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

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

(A) The proposed name of the subdivision.

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

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

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

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

(F) The horizontal scale.

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

(H) The case number for the preliminary plat.

(I) The parcel numbers of the property.

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

(2) Lot, block and street information:

(A) The area of each lot.

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

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

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

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

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

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

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

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

(a) Length.

(b) Central angle.

(c) Radius.

(d) Bearing and distance of long chord.

(J) Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots.

(3) Boundary lines:

(A) All boundary lines of the subdivision with bearings and distances described.

(B) All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification.

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

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

(4) Monumentation:

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

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

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

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

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

(5) Site access, circulation, and utilities:

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

(B) Proposed rights-of-way, including their width and proposed names.

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

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

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

(F) All easements shall have sufficient dimensions shown to determine their location on the ground.

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

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

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

(6) Topographic information:

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

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

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

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

(E) Dashed lines shall represent existing contours.

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

(G) If irregular slopes or special features are present, additional contour

information may be required by the director of engineering for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place that shows such items as:

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

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

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

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

(7) Sewer and water:

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

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

(f) *Multisheet plats*. When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. Each additional sheet shall include the following data:

(1) North arrow.

(2) Legend.

(3) Surveyor's seal and signature.

(4) Title block.

(5) Sheet _____ of _____.

(6) Scale.

(7) All plat notes.

(8) Vicinity map.

(9) When a plat requires more than three sheets, a cover sheet shall also be

included showing the subdivision title, a key map, and all certificates.

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

(1) A lot closure report.

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

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

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

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

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

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

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

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

(D) If the soils report indicates 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.

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

(4) *Drainage report*. A report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. The report must address the following:

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

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

(C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose general solutions to the problem.

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

(5) *Water*. This section does not apply to remote subdivisions, unless the subdivider of the remote subdivision chooses to provide potable water or a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or to subdivisions of four or fewer lots. For subdivisions of five or more lots, including major subdivisions, the following shall be included where applicable in accordance with CBJ 49.15.412:

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

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

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

(D) The director for minor subdivisions, and the planning commission for

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

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

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

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

49.15.412 Final plat requirements.

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

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

(c) Certifications.

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

(A) Ownership Certificate:

I (we)(corporate name) hereby certify that I am (we are)(corporation is) the owners of the property shown and described hereon and that I (we)(it) hereby adopt this plat of subdivision with my (our)(its) free consent, and dedicate all

streets, alleys, walks, parks and other open spaces to public or private use as noted.

(B) Surveyor's certificate:

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

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

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

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

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

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

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

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

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

(3) A statement from each private utility company that will be serving the

subdivision stating that the easements shown on the final plat are satisfactory for use by that utility company for service to the proposed subdivision and that arrangements have been made to convey such easements to the appropriate utility company that will use them; and

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

(5) Proof of construction plan approval.

(6) If a community water system is proposed, a certification of approval from the Alaska Department of Environmental Conservation is required. This requirement does not apply to submittals for a subdivision of four lots or fewer. For subdivisions involving five to thirteen lots, the following shall be included when applicable;

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

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

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

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

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

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

49.15.413 Plat expiration.

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

49.15.414 Plat effective date.

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

49.15.415 Recorded plats legalized.

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

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

Division 3. Design

49.15.420 Lots.

(a) *Generally*.

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

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

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

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

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

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

(2) Restrict access to prevent unsafe sight distances; or

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

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

49.15.421 Cul-de-sac lots.

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

49.15.422 Public use lots.

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

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

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

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

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

49.15.423 Panhandle lots.

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

(1) *Dimensional requirements.*

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

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

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

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

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

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

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

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

(3) *Access and parking.*

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

(B) Off street parking shall be provided in an amount sufficient to meet

the requirements at CBJ 49.40, Article II.

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

(D) Back out parking is prohibited.

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

(F) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.

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

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

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

49.15.424 Access.

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

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

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

(1) Dedication of a new right-of-way with construction of the street to public

standards. This street must connect to an existing publicly maintained street;

(2) Use of an existing publicly maintained street;

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

(4) A combination of the above.

(c) *Privately maintained access within a subdivision.* A subdivision may create new lots served by privately maintained access road not maintained by an agency of government as provided by CBJ 49.15, Article IV, Division 4. All lots must have a minimum of 30 feet of frontage to the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

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

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

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

49.15.430 Purpose.

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

49.15.431 Application.

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

(1) An application, on a form provided by the department.

(2) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities.

(3) An access agreement as required by CBJ 49.15.434.

49.15.432 Department action.

The director shall forward the complete application to the fire and engineering and public works departments for their review.

49.15.433 Design criteria.

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

(1) The proposed privately maintained access will be located in a public right-of-way that has not been accepted for public maintenance.

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

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

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

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

(6) Privately maintained access is prohibited unless:

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

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

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

49.15.434 Access agreement.

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

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

(2) The Grantee acknowledges that the City and Borough is not obligated to provide any maintenance or snow removal for the privately maintained access. The Grantee is required to arrange for year-round reasonable maintenance for the privately maintained access, including snow removal, sufficient to meet weather conditions and to allow for safe vehicular traffic.

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

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

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

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

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

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

(9) The owners of the lots subject to this agreement are prohibited from subdividing unless the privately maintained access is upgraded or all the property

owners served by the privately maintained access execute a new maintenance agreement.

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

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

(12) The owners agree to maintain in full force and effect any insurance policy required by the City and Borough until and unless the roadway is accepted for maintenance by the City and Borough.

(b) Prior to the City and Borough executing the access agreement:

(1) The owners of the lots subject to the agreement shall create an owner's association for the purpose of continuing the duties contained in the agreement.

(2) The association shall obtain liability insurance of a type and in the amount deemed necessary by the City and Borough to provide coverage for claims arising out of or related to the use, occupancy and maintenance of the privately maintained access road. The City and Borough shall be named as an additional insured on any required policy.

49.15.435 Other requirements.

(a) If a permit for privately maintained access in the public right-of-way is approved, the applicant must apply to the engineering and public works department for a permit to construct the privately maintained access as required by CBJ 62.05, accompanied by final construction plans. Additional fees and bonding may be required for final plan review, inspection, and construction of the access road and utilities.

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

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

49.15.440 Remote subdivisions.

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

~~49.15.441 Map.~~

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

49.15.441 Applicability and restrictions.

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

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

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

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

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

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

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

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

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

49.15.442 Improvement standards.

The following improvement standards apply to remote subdivisions:

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

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

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

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

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

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

Division 6. Survey and Monumentation Standards

49.15.450 Licensed surveyor required.

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

49.15.451 Boundary lines, basis of bearing.

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

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

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

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

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

49.15.452 Accuracy of survey.

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

49.15.453 Monumentation.

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

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

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

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

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

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

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

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

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

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

(5) *Monumentation installation.*

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

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

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

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

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

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

Section 11. Amendment of Article. CBJ 49.15, Article V Design Review Permits, is amended to read:

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

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

49.15.580 State and City and Borough project review.

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

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

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

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

49.15.590 Right-of-way acquisitions.

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

(b) *Application requirements.*

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

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

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

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

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

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

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

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

(c) *Final plat submittal.*

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

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

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

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

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

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

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

(2) CBJ 49.15.420 *Lots*.

(3) CBJ 49.35.220 *Streets*.

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

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

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

Section 14. Amendment of Article. CBJ 49.70, Article XI, Remote Subdivision Areas is repealed and reserved.

Section 15. Amendment of Section. CBJ 49.15.670 Planned unit development design standards, is amended to read:

49.15.670 Planned unit development design standards.

. . .

(j) *Stormwater management*. Facilities for the control and disposal of stormwater must be adequate to serve the development site and areas draining through the site. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the common

open space may be used for stormwater management at the development. The homeowners' association shall provide the engineering department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the planned unit development. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.

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

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

49.25.110 Zoning maps.

. . .

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

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

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

49.25.300 Determining uses.

. . .

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

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

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

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

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

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

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

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

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

(E) *Industrial Districts:* Non-residential buildings ~~of~~ totaling15,000 square feet or using less than one acre of land in total.

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

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

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

49.25.430 Yard setbacks.

. . .

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

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

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

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

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

49.35.120 Public improvements; generally.

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

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

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

49.35.130 Standard specifications.

(a) *Compliance with specifications.* Except as otherwise provided ~~provided in this chapter~~, all subdivision improvements shall be in accordance with the latest revision of the

city and Borough subdivision standard specifications and details on file in the engineering and public works department.

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

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

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

49.35.140 Construction plans.

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

(b) *Construction plan submittal.*

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

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

(c) *Construction plan – Details.*

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

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

(A) Name of subdivision.

(B) Type of work.

(C) Date.

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

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

(F) A north arrow and scale.

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

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

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

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

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

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

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

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

49.35.210 Street system.

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

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

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

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

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

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

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

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

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

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

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

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

access will be constructed and maintained by the property owners.

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

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

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

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

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

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

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

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

49.35.220 Street names.

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

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

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

(A) The application fee.

(B) Signed letters of approval from a majority of property owners whose properties have access to the public street proposed for the name change.

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

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

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

49.35.230 Roadway classification map.

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

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

49.35.240 Improvement standards.

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

(1) *Arterials*: 100 feet; minor, 80 feet.

(2) *Collectors*: 60 feet.

(3) *Streets other than arterials and collectors*: 60 feet.

(4) *Cul-de-sacs*: temporary or permanent turnaround: a diameter of 120 feet.

(5) *Alleys*: 20 feet.

(6) *Stairways and other non-motorized access routes*: 15 feet.

(7) *Half streets*. Whenever there exists a dedicated or platted half street or alley adjacent to the tract of land to be developed, the other half of the street or alley must be platted, dedicated, and the entire street or alley constructed to current improvement standards.

(8) *Substandard width* ~~*or improvements*~~. Any previously platted right-of-way with less than the minimum standards identified for the traffic generated shall be improved to meet the minimum requirements established by this title. ~~Such determination shall be made by the department for minor subdivisions, and the planning commission for major subdivisions.~~

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

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

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

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

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

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

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

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

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

(D) No additional right-of-way width will be required in order to provide for sufficient access to abutting lands.

(E) There is sufficient room for snow storage.

(c) *Sight distance*. Sight distances for intersection, passing and stopping must be in accordance with the specifications set forth in A Policy on Geometric Design of Highways

and Streets.

(d) *Street grades*. Street grades are as follows:

(1) *Maximum*. Grades on arterial streets must not exceed six percent. Grades on other streets must not exceed 12 percent.

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

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

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

(e) *Intersections*.

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

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

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

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

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

(f) *Curves*.

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

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

(g) *Cul-de-sacs*.

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

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

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

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

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

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

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

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

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

(H) Before final acceptance of all improvements by the CBJ, the developer must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five-year period, the developer can complete the reconstruction and extension, or

the guarantee may be used by the CBJ for that purpose. If a right-of-way has not been dedicated on the adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released.

(I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, and the temporary cul-de-sac has not been extended as authorized by this section, then the developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards.

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

(h) *Streets construction standards.*

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

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

Table 49.35.240 Table of roadway construction standards

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

[i] Or as required by the Fire Code at CBJ 19.10.
[ii] ROW width may be reduced as prescribed at CBJ 49.35.240.
[iii] Paving of roadway is required for any street type within the PM-10 Non-Attainment Area Map.

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

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

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

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

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

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

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

(E) No additional lots are being platted.

(2) *Stub streets*.

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

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

been dedicated on the adjoining property that accomplishes the connection to the stub street within this five-year period, the financial guarantee will be released.

(C) When the subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

~~(3) *Cost equivalent*. If a proposed subdivision includes dedication of a right-of-way that extends an existing street, the director may allow a subdivider to construct all or a portion of the existing street, as well as the proposed street, to a standard of improvement that would result in a cost equivalent to that of meeting the full improvement standards for the construction of the proposed street. The director will base its decision to allow this cost equivalent alternative on whether the proposal meets or exceeds the intent of the original standard.~~

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

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

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

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

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

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

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

Section 27. Repeal and Reenactment of Section. CBJ 49.35.310 Systems required, is repealed and reenacted to read:

49.35.310 Water systems.

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

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

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

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

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

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

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

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

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

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

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

(b) Any proposed water system must be approved by the

Alaska Department of Environmental Conservation and any other agency having jurisdiction. The developer must submit proof of approval to the department.

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

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

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

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

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

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

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

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

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

for use in the development.

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

(2) Development of four or fewer lots.

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

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

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

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

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

49.35.340 Oversizing lines.

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

Section 30. Repeal and Reenactment of Section. CBJ 49.35.340 Systems required, is repealed and reenacted to read:

49.35.410 Sewer systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Violation of this section is an infraction.

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

Section 31. Repeal and Reenactment of Section. CBJ 49.35.420 Oversizing lines, is repealed and reenacted to read:

49.35.420 Oversizing lines.

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

Section 32. Repeal of Section. CBJ 49.35.430 Private treatment systems, is repealed and reserved.

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

49.35.510 Drainage plans.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI. PUBLIC ACCESS

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

49.35.610 Pedestrian and bicycle access in the roaded service area.

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

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

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

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

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

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

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

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

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

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

49.35.620 Streams and bodies of water.

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

49.35.630 Trailhead dedications or easements.

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

49.35.640 Acceleration and deceleration lanes.

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

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

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

49.35.720 Utility access.

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

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

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

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

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

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

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

CHAPTER 49.40

~~ACCESS,~~ PARKING AND TRAFFIC

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

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

49.65.610 Bungalow lot subdivisions.

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

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

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

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

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

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

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

49.65.620 Review procedure.

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

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

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

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

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

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

49.65.700 Purpose.

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

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

49.65.705 Procedure.

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

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

Section 44. Repeal and Reenactment of Section. CBJ 49.65.710 Four dwellings or less, is repealed and reenacted to read:

49.65.710 Development permits.

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

(1) *Department review.*

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

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

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

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

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

(2) *Planning commission review.*

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

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

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

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

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

Section 45. Repeal and Reenactment of Section. CBJ 49.65.720 Five dwellings or more, is repealed and reenacted to read:

49.65.720 Common wall subdivision.

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

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

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

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

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

(b) *Final Plat*. After review and approval of the final plat, in accordance with CBJ 49..15.412, the plat and the common wall agreement documents may be recorded by the department at the State Recorder's Office at Juneau at the applicant's expense, after issuance of final occupancy permits.

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

49.65.730 <u>Separate</u> ~~U~~utilities.

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

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

49.65.735 Parking and access

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

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

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

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

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

49.65.740 Density.

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

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

49.65.750 Dimensional standards.

. . .

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

~~setback from the common property line shall be maintained or a minimum five-foot maintenance easement and adequate homeowners agreement provided.~~ The minimum side yard setback from the common property line is reduced to zero feet. The remaining side yard setbacks shall be ten feet in a D5 zone, three feet in a D10-SF zone, and five feet in a D10, D15, D18 or MU2 zone.

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

49.70.210 Applicability and Scope.

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

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

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

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

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

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

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

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

(2)(~~3~~) Graves.

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

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

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

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

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

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

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

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

(8)(~~10~~) Minor development.

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

49.70.220 Hillside development endorsement application.

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

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

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

Section 52. Repeal and Reenactment of Section. CBJ 49.70.40 Submission requirements; application, is repealed and reenacted to read:

49.70.240 Application.

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

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

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

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

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

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

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

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

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

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

(C) Lot boundaries, easements and setback lines.

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

(E) Clearing limits of existing vegetative cover.

(F) A cross section of the development site.

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

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

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

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

(8) A work schedule, by phase.

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

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

49.70.260 Criteria.

The commission <u>or director</u> shall consider the extent to which the development meets the following criteria:

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

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

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

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

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

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

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

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

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

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

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

49.70.270 Conditions on approval.

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

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

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

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

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

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

49.70.710 Subdivisions in transition zones shadow platting.

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

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

Section 56. Amendment of Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest with the municipal clerk within 20 days of the commission's written notice of recommendation.

(3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a

public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. ~~If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.~~

(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 57. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

Development permit means department approvals, <u>subdivision permits and approvals,</u> allowable use permits<u>, special use permits</u> and conditional use permits.

. . .

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

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

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

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

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

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

. . .

Public sewer and water system means any system that is operated by a municipality, governmental agency, or a public utility licensed as such by the state for the collection, treatment and disposal of wastes, ~~and the~~ furnishing of potable water and fire protection.

Public way means pedestrian ways, rights-of-way, and streets and any other way held for or held open by a public entity ~~the municipality~~ for purposes of public access.

. . .

Right-of-way means ~~a strip~~ a defined area of land, including surface, overhead and underground space, reserved or granted by deed, easement or dedication ~~condemned and occupied or intended to be occupied by a~~ for a street, alley, utility, walkway, sidewalk, road, ~~crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and~~ or other ~~similar uses~~ public ways.

. . .

Roadway means the portion of a street intended for vehicular traffic; where curbs are laid, the portion of the street between the back of the curbs.

. . .

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

. . .

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

. . .

Subdivider means the developer or owner of a subdivision.

. . .

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

. . .

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

Section 58. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

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

Common facilities means streets, sidewalks, parking areas, community buildings, refuse disposal systems, sewer systems, and water systems, held in common ownership by planned unit development homeowners.

Common open space means open space held in common ownership by planned unit development homeowners. Buildings, parking areas, and similar improvements may be located in and included in the calculation of common open space if related and necessary to the function of the open space. Stormwater drainage and flood storage may be located in and included in the calculation of the common open space. Common on-site sewage disposal systems, but not individual septic systems, may be located in and included in the calculation of common open space. Streets may be located in but shall not be included in the calculation of common open space.

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

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

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

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

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

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

Pioneer path means an access path for pedestrian, equestrian, human powered vehicles, all-terrain vehicles, snow machines, and similar off-road recreational vehicles weighing less than 1,000 pounds gross vehicle weight and having a maximum overall width of 48 inches. Except as identified above, a pioneer path shall be designed and constructed to prevent a vehicle registered or required to be registered under AS 28.10 from traveling on the pioneer path.

Planned unit development means a tract of land at least two acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to approved preliminary and final development plans. Planned unit developments shall comply with all requirements of the land use code, except to the extent that such requirements are superseded by a permit issued pursuant to this article.

Private improvements means those improvements required as part of a subdivision or other land use permit that will not be maintained by the City and Borough or other agency of government.

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

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

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

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

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

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

Sight distance means the distance that a driver needs to react appropriately to a situation, including stopping sight distance, passing sight distance, and intersection sight distance.

Undisturbed common open space means common open space left in its natural condition.

Section 59. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

(1) Minor development.
- (A) Reserved;
- (B) Staff review, no charge if a building permit is required;
- (C) Sign permit, $50.00 for the first two signs, and $20.00 for each additional sign.

(2) Minor subdivision or consolidation.
- (A) Subdivision creating additional lots, $400.00 plus $25.00 for each resulting lot;
- (B) Subdivision creating no additional lots, $110.00 plus $25.00 for each lot changed;
- ~~(C) Minor lot consolidation, $135.00.~~

. . .

(4) Major subdivisions, including mobile home subdivisions.
- (A) Preliminary plat, $110.00 per lot ~~or $650.00, whichever is greater~~;
- (B) Final plat, $70.00 per lot ~~or $400.00, whichever is greater~~;
- (C) Reserved;
- (D) Plat amendment, $110.00 plus~~,~~ $25.00 per lot.

. . .

Section 60. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2015.

_____
Merrill Sanford, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Law Department
City & Borough of Juneau

MEMORANDUM

TO: Planning Commission

FROM: Amy Gurton Mead, Municipal Attorney AGMead

DATE: May 21, 2015

SUBJECT: Ordinance 2015-03

There are two changes to Ordinance 2015-03, one initiated by Law and one by Finance, that I want to highlight for you:

1. Modification to the rezone procedure ordinance (2015-03, Section 56 at page 77).

When the ordinance amending the rezone process was adopted (Ordinance 2014-14), an amendment was made to add a requirement that the property owner provide consent if the Assembly approves a rezone with modifications ("If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.") As rezones are legislative and the decision to enact legislation is solely within the discretion of the Assembly, it is an illegal delegation of the Assembly's power to allow a property owner to in effect veto legislation by withholding consent. We are proposing that language be deleted.

2. Certificates of Tax Liability relating to subdivision plats being recorded between Jan 1 and the date of tax levy.

As part of the recording process, State law requires that anyone filing a plat record include "a certificate from the tax-collecting official or officials of the area in which the land is located that all taxes levied against the property at that date are paid." A similar requirement is found in CBJ regulations. 04 CBJAC 010.030 requires applicants to submit a "certification of payment of taxes and special assessments levied against the property" as part of the platting process.

The purpose of requiring the certificate of taxes is so that the municipality, to which property taxes would be due, is not stuck without a way recover unpaid taxes. For property tax purposes, as required by both State and CBJ law, property is assessed on January 1. Taxes are levied annually with the adoption of an ordinance setting the mill rate. CBJ 69.10.010. State law protects the municipalities' interest in receiving the property tax due by providing that property taxes are a lien "upon the property assessed" (meaning the lien arises automatically as a matter of law) (AS 29.45.300).

ATTACHMENT B

An assessment problem occurs with property subdivided after January 1 but before the date of levy. Normally, if property taxes are unpaid the municipality forecloses upon the lien, but the liens are specific to the property assessed on January 1. If a subdivision occurs after January 1 but before the date of levy (before the date property taxes are due), the lot that was assessed on January 1 no longer exists, and the new lots, which did not exist on January 1, have not been assessed – resulting in the CBJ not having a lien for the property tax and thus no way to foreclose.

If we sign or authorize certificates of taxes paid without accounting for this time period between the assessment date and the date of levy, we would have no way of recovering unpaid property tax. We cannot lien the new parcels and by virtue of signing the certificate, we are allowing the property to be sold without giving notice of the lien on the original parcel, making it unenforceable. (Note that special assessments are assessed and become a lien upon the property with the adoption of the assessment roll – meaning the whole amount is a lien upon the property assessed.)

Other jurisdictions (states and other Alaska municipalities) address this situation in a variety of ways – most being variations on a rule requiring prepayment of estimated taxes. For example, Anchorage has the following language in its code: 21.15.120 – Approval of subdivision plats – Final plat. (A)(4)(b) *A certificate from the tax collecting official or a note on the face of the plat stating that all municipal real property taxes levied against the property are paid in full, or, if approval is sought between January 1 and the tax due date, that there is on deposit with the chief fiscal officer an amount sufficient to pay estimated real property tax for the current year.*

The Finance Department has requested that Law draft similar language for the CBJ. As stated above, under current code this would be a regulatory change that would not go through the Planning Commission process. But, because the SRC has approved moving all of the platting requirements currently in regulations into Title 49, and because that amendment is before you now, it made sense to include the change in the Title 49 amendment.

The new language at 49.15.412 (page 25) reads as follows:

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: May 27, 2015
File No.: TXT2009-00001

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to CBJ Title 49 regarding the subdivision of land (Ordinance No. 2015-03)

Legal Description: Borough-wide

Hearing Date: May 26, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 21, 2015, and recommended that the City and Borough Assembly adopt staff's recommendation, to adopt the proposed text amendment to Title 49 regarding the subdivision of land.

Attachments: May 21, 2015, memorandum from Laura A. Boyce, AICP, Community Development, to the CBJ Planning Commission regarding TXT2009-00001

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).

Project Planner: Laura A Boyce

Laura A. Boyce, AICP, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Elizabeth McEwen 5/29/2015

Filed With City Clerk Deputy Clerk Date

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

Assembly Standing Committee
Public Works & Facilities Committee Meeting
MARCH 23, 2015, 12:00 – 1:00 P.m.
City Hall Assembly Chambers
MINUTES

Members Present: Jerry Nankervis, Karen Crane, Loren Jones, Dennis Watson, and Mary Becker via Telephone.

Assembly Members Present: Mayor Merrill Sanford

Staff Present: Rorie Watt, John Bohan, Janet Sanbei, Kimberly Kiefer, Ron King, Hal Hart, Beth McKibben, Jim Penor

I. CALL TO ORDER

Meeting called to order at 12:02 pm.

II. APPROVAL OF MINUTES

A. March 2, 2015 – Regular Meeting.

Mr. Nankervis asked to have a change made to a sentence on page 3, Item C. – Public Works Facility Use Planning, second sentence, "…work with the Assembly to develop new..[the word "facilities" is missing here]…and make a few management changes…." to add the word "facilities."

No other changes requested.

Minutes approved once changes are made.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

IV. ITEMS FOR ACTION

A. SALT/SAND STORAGE

Mr. Watt gave a brief explanation as to where the City should be heading. He explained the costs and the timing for this project. The recommendation is to extend the funds from the Street Maintenance Shop CIP of $50,000 to develop more detailed plans.

Ms. Crane moved to approve the expenditure of funds out of the existing Street Maintenance Shop CIP to prepare plans, specifications and estimate of a sand and salt storage structure.

Mr. Nankervis: Where is the proposed money for the $1.2M located?

Mr. Watt: There is $300,000 in the FY16 CIP for Street Maintenance Operations Improvements at the Public Works Shop. There is $168,000 in the old shop CIP. We can probably close one of the snow storage CIPs. There is room in the CIP, and the Hazardous waste program will greatly benefit from this…a good chunk should come from that CIP as well.

Motion passed.

B. SALMON CREEK FILTRATION ADEC LOAN APPROPRIATION

Mr. Bohan gave a brief explanation of the project and the request for the transfer. This is an additional amount to the original loan. The City has not been as successful as they would have liked in getting grant money. The City has receive an addition $4M in loan funding in addition to the original amount of $1.5M the City received 6-7 years ago. The additional request for loan money is not due to any delay. The initial amount was to determine what work needed to be completed. The $4M is to get the work completed. If the Governor's CIP Request is approved for FY16, and the City receives grant funding, the loan will be reduced by the amount of grant funding received.

Ms. Crane moved to forward to the Assembly an appropriation of $4,000,000 for ADEC Loan Funds for the Salmon Creek Secondary Disinfection project.

Motion passed.

C. AUKE LAKE SEWER LOAN APPROPRIATION

Mr. Watt explained this is to allow home owners the opportunity for a low interest loan to pay for the LID repayment.

Mr. Jones motioned to moved forward the appropriate of $23,400 as an ADEC Loan to the full Assembly.

Motion passed.

V. INFORMATION ITEMS

A. Dunn Street LID

Mr. Watt explained the history of this project. He said investments have been made to properties, but no investment has been made to the right-of-way. It is narrow and not properly constructed. The City has offered a 50/50 split with the property owners. The current requirements for a subdivision require the construction of a 60-foot right-of-way with a road base and pavement and curb and gutter. Once this LID is completed, the City will not take over street maintenance of Dunn Street. He stated snow removal for this neighborhood will always be difficult, because there is nowhere to push the snow. The buildings are right next to the right-of-way, with no extra area for storing snow. Plowing snow from City streets onto private property is a problem. If the neighborhood used HOA fees to pay for snow removal then the neighborhood can determine where to put the snow. 60 foot right-of-ways allow for a place for the City to push snow.

Richard Harris, Dunn Street Owners Representative. There are 11 apartments in 4 buildings, and 10 businesses on Dunn Street. 2 property owners and 7 properties would be participating in this LID. He explained the plat was done in the 1950's. The City accepted the dedication of the right-of-way when they accepted the plat back in the 50's. CBJ controls the street, but claims the responsibility still belongs to the owners. If someone were to have an accident….who would be responsible? His question is…whose street is it? The owners did not create it. It was created way before the owners were born. The City accepted the plat. He believes the City owns the street and is responsible.

Mr. Bohan stated there was $250,000 appropriated in the FY15 CIP to pursue this project. That is the money the City has to do this project. The total cost of the project is almost $400,000. This includes, if the road is to be built to current standard, rebuilding the water system, which is showing its age and in need of repairs. That portion would be completed with utility revenue...approximately $75,000.

Ms. Crane asked if the City provides $100,000 toward paving, and pays to redo the water main at the same time, then could the owners provide maintenance of the street.

Mr. Watt explained he doesn't feel this would be the best way to approach the project. The water main is under the road, so the road would need to be completed first, then paving of the road. This situation has come up because the original developer did not leave more than 30 feet for the right-of-way. Currently, when a developer comes forward with a property development, they are required to provide a 60 foot right-of-way, with drainage, water, sewer, sidewalks and gutters. None of those exist on this right-of-way. This is why it is a different situation and we are asking for something different than is usually requested of property owners.

Mr. Harris would like the City to come in and fix the street to whatever standards the City requires and then the owners could continue to maintain the street. To ask the owners to participate in the LID and then maintain it in addition to LID participation is beyond what should be expected of the owners.

Mr. Jones asked what kind of permitting was required to build the buildings. Were there any requirements to the road at the time?

Mr. Harris explained he was required to get an allowable use permit, but no requirements were made to upgrade the road or make it wider as the street already existed when the permits were requested. Parking spaces are not on the right-of-way, they are on private property.

Mr. Watt stated in 2006, development of the property went forward as though it would be a private drive for private use with no public maintenance. The water services are somewhere in the 30 foot right-of-way.

Ms. Crane stated that she understands the frustration of Mr. Watt. But feels the property was developed long before the current requirements existed. She feels that Mr. Harris has done several things being asked of property developers within the community. He has developed additional apartments and small business spaces. This area has become a little business community of its own. She would like to see the City pay to have the street paved and let the owners do the maintenance after that. She feels the City needs to come up with something that puts more burden on the City than originally proposed.

Mr. Watson stated the discussion of one of the buildings in this area before the Planning Commission showed the building would be difficult to build because of a stream on one side and the road on the

other. Mr. Harris couldn't actually use any of the property because of that. He explained the Planning Commission has no authority over whether the road is 30 feet wide or 60 feet wide. They cannot change what has been platted. He also asked if curb and gutter were planned for this street.

Ms. Becker stated she feels the City would like the improvements to the water and the road, so the City should pay for it and have the property owners maintain the roadway.

Mr. Jones asked how long we could expect the improvements to last if these improvements are made.

Mr. Watt stated a road is expected to last about 30 years. There is standard maintenance and cleaning that will happen over the 30 years, but no major capital costs over the next 30 years. He feels the one thing that would be difficult for the City to take care of is the snow plowing. He is not expecting the owners to take care of the patching and the cleaning of the drains and catch basins.

Mr. Nankervis stated that he has spoken to Mr. Harris and Mr. Watt independent of this meeting. He has noticed the City is trying to do a $400,000 project at the request of the property owners. The original cost estimate was for a 50/50 split of the costs. Currently the request is to pay $100,000 of a $400,000 project. The City is desirous to do the project which will include improving the drainage, water, sewer, and add pavement to the street. He feels the owners have denied the scope of the project because of the costs. He stated the owners have asked for this improvement. He feels they should pay for this LID. 25% is a lot less than 50%, which was originally proposed.

Mr. Harris stated that all the owners have asked for is the asphalt. He isn't looking for a perfect road that the City will maintain. He would like asphalt that he can maintain.

Ms. Crane feels a decision needs to be made in order to get work started this summer. She would like to go with Mr. Harris' option 2, but she has a problem with the request for lowering the value of the land for the drainage.

Mr. Watt stated the water system and maintenance is the responsibility of the City. He would like to accept the cost share of the pavement currently suggested at 50/50 split. He appreciates Mr. Harris' desire to throw out other ideas, but he doesn't feel it is in the City's best interest to accept any of those options. He feels the Committee should go forward with the LID at a 50/50 split or some other percentage, whatever the Committee determines. The property owners continue snow plowing and the City will maintain the asphalt and the drainage system provided it ends up somewhere functional.

Ms. Crane moved the City take 75% and the owners take 25% of the $200,000. The rest of the agreement should be the City would take over maintenance of the asphalt and drainage and road sweeping and the owners would take over the snow plowing.

Mr. Watt re-stated the motion… the proposal would be 75%/25% split of the roadway section, which would result in $200,000 non-cooperative costs to the City, with an additional $50,000 to the City, $50,000 to the property owners, on the assumption the City would take over maintenance of the asphalt, road sweeping and drainage system, and the property owners would plow the snow.

Ms. Becker stated she heard the motion and understood it.

Motion passes as proposed.

B. WASTE PLANNING

Mr. Watt explained that he has thought about how to go forward with the waste disposal of our community. He feels the community is disappointed about what we are not doing. He would like to change the conversation to what the City and community can do. The old baler limited what the City could process. The new baler will allow the City to partner with businesses for drop box locations. He would like to continue with the agreement for baling the curbside recycling, with the new baler. He would also like to continue to use the hazardous waste building better. He would like to move the salt out of there to a new facility in order to allow different recycling options for this facility. Many people within the community do not understand the programs or exactly what the programs are and who handles those programs. He would like to grow the program at the schools. There are 2 programs 1/2 mile apart. He feels these two programs should be located in one place. This could reduce costs for the programs and allow the City to change the hours of operation to hours that may be better suited for the residents of the community. Food waste could be composted if we could get a few businesses interested in this process. This would reduce the volumes going into the landfill. There is a need to preserve the capacity of the landfill so it will last longer. He stated that he will bring this to the Committee again with a fund balance and where it can go in the future. There is money in the fund for public education. The City needs to set goals for current ideas. The old baler still has value. The City can put that out for surplus and another community will purchase it. In order to run the program for the next 6 months, until the new baler is up and running, the City needs to repair it. The old baler is off line for a few days, while the City repairs it. The baler is used for the community drop-off and for baling curb-side pickup of recycled material. The curb-side recycling cannot be turned off. It has to keep going, and the City can't turn off the recycling center. The repairs to the old baler will be a week.

Nankervis feels the composting of food waste would probably not be possible with the bear issues we have here. It will take a lot of tweaking to get it to work for the City of Juneau.

VI. CONTRACTS DIVISION ACTIVITY REPORT

None.

VII. ADJOURNMENT – NEXT MEETING IS SCHEDULED FOR:

The next meeting will be April 13, 2015.

Mr. Jones asked about the West Douglas Road which is on the Assembly Agenda tonight. He asked if this may have any impacts to the Corps Permit the City is asking for.

Mr. Watt stated it does not affect the City as the entire project is on City land.

Meeting adjourned at 1:14 pm.

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU
APRIL 10, 2015 MEETING, 11:30 AM – 1:15 PM
COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM
MEETING MINUTES

Committee Members Present:

Nicole Grewe (Chair), Paul Voelckers, Michael Levine

Committee Members Absent:

Bill Peters, Gordon Jackson (alternate)

Staff Present:

Beth McKibben, Planning Manager

Public or Other Present:

Stephanie Shore, Juneau Empire

Israa Kako-Gehring, Gehring Nursery School

Loren Gehring, Gehring Nursery School

Sarah Lehmert, Gehring Nursery School

Loren Jones, CBJ Assembly

Debbie White, CBJ Assembly

Rob Steedle, CBJ Manager's Office

Hal Hart, CBJ Community Development Department (CDD)

Allison Eddins, CBJ Community Development Department (CDD)

Samantha Smith, Public

Reading of Agenda

- Motion by LeVine: To approve the agenda for the April 10, 2015 meeting.
- Vote: Motion carried.
- Resolved: Agenda for the meeting of April 10, 2015 meeting approved with modification to allow for public comment.

Approval of Minutes

- Motion by LeVine: To approve the minutes for March 17, 2015 meeting with technical edits as provided committee members or CDD staff.
- Vote: Motion carried.
- Resolved: Minutes for March 17, 2015 meeting approved with technical edits as committee members or staff.

Agenda Topic – Child Care Facilities

- Abbreviated Public Comment:

1. Israa Kako-Gehring, Gehring Nursery School, requested large day care facilities be treated the same as other similar facilities including elderly day care, dog grooming, and landscape enterprises. Also indicated the value of placing larger facilities on the margins of neighborhood.
2. Loren Gehring, Gehring Nursery School, discussed Anchorage child care, state regulation of child care facilities, and churches as gathering places throughout the week – not just Sundays.
3. Debbie White – CBJ Assembly and Prudential Southeast Alaska Real Estate, indicates she is an employer and regularly allows staff to bring children to work, which is becoming increasingly difficult over time as babies grow to toddlers. Also expressed opinion that larger institutions are safer than small in-home facilities. Provided reminder the state already has licensing requirements and that there is a relationship between living wages and child care. Child care remains a top priority as member of the CBJ Assembly.

- Committee discussion focused on documents submitted by CDD staff prior to meeting including:
    1. Traffic estimates by size of child care facility;
    2. Current definitions in Title 49 related to child/day care;
    3. Excerpted relevant TPU provisions; and
    4. The Current Status of Child Care in Juneau (2009) by Juneau Economic Development Council

- The combination of scheduling the meeting over a business day lunch hour with limited time, accommodating public comment, and reviewing documents submitted just prior to meeting made committee deliberations difficult and no action was taken at this meeting.

Committee Member Comments and Questions

- Next meeting to be scheduled via Doodle Poll for early May. There was general agreement child care facilities, as an agenda topic, was too large for a lunch hour work meeting during the business week – especially incorporating public comment. There are scheduling conflicts for commissioners and CDD staff that prevent a late April meeting.

Meeting adjourned at 1:15 PM

MINUTES
CITY AND BOROUGH OF JUNEAU
MARIJUANA COMMITTEE
WORK SESSION

Thursday, March 12, 2015, 6:00 p.m.
City Hall Assembly Chambers

I. ROLL CALL

Chair Jesse Kiehl called the meeting to order at 6:01pm.

Committee members present: Jesse Kiehl, Mary Becker, Maria Gladziszewski, Debbie White, Mike Satre, Bill Peters, and Gordon Jackson. Committee member Jerry Nankervis was absent.

Other Assemblymembers present: Assemblymember Loren Jones

Staff present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Jane Sebens, Deputy Municipal Attorney; Deb Senn, Law Office Manager; Laurie Sica, Municipal Clerk; Chief Bryce Johnson, Juneau Police Department; Officer Ken Colon, Juneau Police Department; Hal Hart, Director, Community Development Department; and Beth McKibben, Senior Planner, Community Development Department

II. APPROVAL OF AGENDA

The Agenda was approved as submitted.

III. APPROVAL OF MINUTES

Motion by Bill Peters to approve the minutes, and asked for unanimous consent. Hearing no objection, the February 26, 2015 minutes were approved.

IV. PUBLIC PARTICIPATION
(20 minutes for public participation, 3 minutes per person)

Zachary Bowhay requested that the Committee allow for public comment at the end of Committee meetings.

V. AGENDA TOPICS

A. Rudiments of Cannabis

1. Cannabis 101, by Giono Barrett.

   See presentation materials at: http://www.juneau.org/clerk/ASC/MARIJUANA/2015-03-12_Marijuana_Agenda.php

   Discussion topics included marijuana components and compounds, healing and nutritional aspects, basic cultivation techniques, vegetative cycle, flowering cycle, production of psychoactive resins/oils, harvesting, processing, curing, waste disposal, and growing methods.

2. Marijuana Concentrates, by Ben Wilcox. Mr. Wilcox demonstrated to the Committee how concentrates are produced using a variety of methods, including a screened shaker box, ice water, and boiling water.

   Mr. Wilcox said the resin is broken out from the leaf and trim producing concentrates. The concentrate can be used for butter infusion or vaporizing. This method eliminates the need to smoke the matter.

   The concentrated products are known as kief (pollen falls from leaf and produces a concentrate); and hash (matter combined with ice water, filters out microns/pollen to produce a concentrate).

3. 2015 Cannabis Market Overview, by James Barrett.

   See presentation materials at: http://www.juneau.org/clerk/ASC/MARIJUANA/2015-03-12_Marijuana_Agenda.php

   Discussion topics included the three main types of products - flowers, concentrates, and edibles; product pricing and dosage units; and labeling and copyright infringement. Mr. Barrett said the industry does not want product labels and containers that appeal to children, and will act responsibly toward children.

4. Butane Method of Gathering Plant Resins, by Zachary Bowhay. Mr. Bowhay demonstrated how to remove active compounds from plant matter using butane canisters and polyvinyl chloride (PVC) pipe.

B. Update on State of Alaska Legislation

Ms. Mead informed the Committee that there are several bills pending with the Alaska Legislature, which include:

Senate Bill 60: ESTABLISHING THE MARIJUANA CONTROL BOARD;

House Bill 59: MARIJUANA CONCENTRATES; LICENSES;

Senate Bill 30: MARIJUANA REGULATIONS; CONTROLLED SUBSTANCE; CRIMES; DEFENSES;

Senate Bill 62: REGULATION OF MARIJUANA BUSINESSES; BOARD;

House Bill 133: NARROWING THE FOCUS OF SB 62 TO INCLUDE THE SAME ISSUES, AND LICENSING CONTEMPLATED BY THE STATE FOR BROKERS, GROWERS, BOUTIQUES, AND HOME GROWERS; and

House Bill 75: MARIJUANA REGULATIONS; CLUBS; MUNICIPALITIES; LOCAL OPTION ELECT.

Ms. Mead added that the bills are moving forward, but there is no sense on status yet. More information will be available in the next few weeks.

Mr. Kiehl said all pending legislation is in flux, and that no bill has yet to cross over from its body of origin. The bill to watch will be the bill that crosses over to the next body. He added that there are a series of amendments pending for SB 30 – crimes bill, which is currently in the Senate Finance Committee.

Ms. Gladziszewski inquired about the November 24, 2015 deadline to adopt regulations.

Mr. Kiehl said that if the State does not pass a regulatory bill it will be left to the Marijuana Control Board to put a regulatory scheme in place by the November deadline. If regulations are not adopted by this date, local governments will have the option of adopting regulations.

Ms. Mead requested that the Committee provide a prioritized list of issues to formulate discussion. The relevancy of the issues will depend on what laws are passed by the legislature.

C. Prioritized List from CBJ Law Department

Ms. Mead said the issues contained in the prioritized list lend themselves for more information. Information will be provided on what action the State has taken and the consequences for municipalities.

Mr. Satre said that work should begin on land use issues first and foremost. The regulatory issues depend upon the State's action.

Ms. Mead asked the Planning Commission members to provide a framework for discussion, and that the Law Department and the Community Development Department (CDD) would provide materials to facilitate that discussion.

Mr. Satre indicated that he had spoken with CDD and he would share that information with the Law Department.

D. Community Development Department – Marijuana & CBJ 49.25.300 Table of Permissible Uses, by Beth McKibben

See presentation materials at: http://www.juneau.org/clerk/ASC/MARIJUANA/2015-03-12_Marijuana_Agenda.php

Discussion topics included overview of the Table of Permissible Uses as it relates to marijuana cultivation, special use provisions, commercial and mixed use districts, building and land size development, conditional use permit requirements in residential areas, assembly of goods and storage, definition of manufacturing, applicable manufacturing category (for noise, vibration, and odor), retail miscellaneous sales, and home occupation.

VI. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Ms. Gladziszewski said that she had recently visited Telluride, Colorado, and brought back marijuana product containers to show to the Committee. Some of the containers appeared sophisticated and others not so much. Childproof containers were being used for edibles. Different stores provided containers from recycle bins – four separate containers were passed around.

Ms. Gladziszewski said that Telluride has its own licensing facility. Colorado law maintains a 10mg per serving size, and color coding is used to show the different strains of marijuana. A single serving edible is contained in a sturdy plastic container that cannot be entered without an instrument. The type of packaging depends on number of servings. Menus in the stores explained what affects to expect from each product.

One facility that Ms. Gladziszewski visited had refrigeration for products, and another store had marijuana in jars. She indicated that one store had been cited for odor problems. Signage in that particular store stated a citation had been issued for odor problems and that a remedy was required by law.

Mr. Peters said that while in Seattle the marijuana smoke/odor was very apparent in the downtown area, similar to cigarette smoke/odor. He spoke to police officers and transit personnel in Seattle who said most were turning a blind eye and tolerating the odor. Mr. Peters said this could be a contentious issue for Juneau, and that a conversation is needed on public smoking.

Ms. Gladziszewski said that she saw zero marijuana smokers in Telluride during her visit, and did not smell any marijuana smoke/odor. She said she would provide the Telluride zoning laws to the Committee and to the Law Department for review.

VII. ADJOURNMENT

The meeting was adjourned at 7:39pm

Note: Agenda packets are available for review at the Juneau Municipal Libraries and online at www.juneau.org

ADA Accommodations Available Upon Request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city_clerk@ci.juneau.ak.us.

Assembly Standing Committee
Public Works & Facilities Committee Meeting
March 2, 2015, 12:00 – 1:00 p.m.
City Hall Assembly Chambers

Members Present: Jerry Nankervis (Chair), Karen Crane, Mary Becker, Loren Jones

Other Assembly Members: Mayor Sanford,

Planning Commission Representative: Dennis Watson

Staff Present: Kim Kiefer (City Manager), Rob Steedle (Deputy City Manager), Rorie Watt, John Bohan, Rich Ritter, Greg Smith, Samantha Stoughtenger, Hal Hart, Beth McKibben, Jim Penor, Kirk Duncan, Dave Crabtree, Ron King, Tricia Everson

I. Call to Order

Meeting called to order at 12:00 p.m.

II. Approval of Minutes

February 9, 2015 - Approved

III. Public Participation on Non-Agenda Items

None.

IV. Items for Action

A. Electric Vehicle Resolution

Mr. Watt at the last PWFC meeting submitted a resolution that the JEDC Board had requested the Assembly consider for passage. PWFC members had questions and asked to be provided additional information by Mr. Wilkinson and Mr. Mesdag from the JEDC Cluster Group. The broad view is the JEDC Board and Cluster Group want to encourage electric vehicles. JEDC sees the Assembly passing the resolution as a means for a couple of things; one to give the issue some press; the second is to indicate Assembly support for a program and third is to enhance chances for grant funding. JEDC agreed to remove language in the resolution concerning changes to the purchasing code and clarified that there would be no changes to our transit system as a result of more EV charging stations.

Mr. Wilkinson responded to the questions and concerns of the PWFC members.

Discussion ensued.

Ms. Becker moved to forward the Electric Vehicle Resolution to the Assembly for approval with modifications to the wording in relation to the mention of off road vehicles, changes to

the purchasing code, and changes to the transit system be forwarded to the full Assembly for approval.

Hearing no objections, the motion passed.

B. Seward Statue Project

Mr. Watt spoke on the request for $25,000 in honor of the 150th Anniversary of the purchase of Alaska from Russia to construct a statue of William Henry Seward who was instrumental in the purchase of Alaska in 1867 in the amount of $7.2 million dollars. Mr. Watt does not have a recommendation on this topic. Mr. Watt advised the committee that the most applicable source of funding for this project would be the Parks and Recreation Evaluation CIP

Ms. Becker moved to forward a $25,000 appropriation request for a statue of William Henry Seward to honor of the 150th Anniversary to the full Assembly for approval.

Hearing no objections, the motion passed.

V. Information Items

A. McGinnis Subdivision LID

Mr. Bohan, spoke on the proposed LID to resurface McGinnis Subdivision which could include an option to repave the whole subdivision. Recently, an informational meeting was held with the residents to discuss the project and LID process. The street is currently covered with chip seal to keep the dust down. Mr. Bohan stated that there are about 120 properties in the neighborhood. Mr. Jones asked if the project cost was known and how much it would cost the residents. Mr. Bohan estimates the project cost to be 3 to 7 million depending on the amenities that get added to the project scope. The estimate for this LID per property based on past projects is $4,000 each. Ms. Crane asked how much was available for the project in FY15. Mr. Bohan stated that phase I of this project has $1.2 million. Ms. Crane asked if funding was available beyond FY15. Mr. Bohan stated that no funds were yet identified beyond FY15 but it is a multi-phase project and much of the funding mechanisms depend on the decision of the residents to support the LID and the amenities they would like. Ms. Crane asked for a clarification on where the balance of the project funds would come from if they are not identified in the current CIP. Mr. Watt explained that, if needed, the project could be funded out of sales tax like any street project. Mr. Nankervis asked what would take place if the residents did not support the LID. Mr. Bohan stated that CBJ would continue to maintain the roads as best we could. Another option would be to replicate Sitka's solution and peel up the road surface and turn it back to gravel. The last resort would be to only pave areas that are a hazard.
If there is no support for the LID, the funds could be reprogrammed to another project on the priority list.

B. Cost Estimating

Mr. Watt gave a brief description on the intricacies of cost estimating CBJ projects. Mr. Watt explained that not all cost estimates are equal in precision and not all types of projects avail themselves to the same level of cost estimating. Mr. Watt gave an overview

of the challenges in cost estimating for different types of projects and explained that it is not a process that provides consistency in results.

C. Public Works Facility Use Planning

Mr. Watt provided the big picture of Public Works Planning. In the future he would like to work with the Assembly to develop new and make a few management changes and capital investments to optimize our services and save the tax payers money. Mr. Watt spoke about the plan to relocate and consolidate certain CBJ operations in order to increase efficiencies. Mr. Watt spoke about the plan to develop a salt and sand storage facility at the 7 mile shop that would free up space at the hazardous waste facility. Mr. Jones asked if the new salt storage facility at the airport could be utilized by street operations. Mr. Watt was unsure about the timeline for construction of the airport facility and the ability to use that site for street operations. Ms. Crane asked for clarification on why the waste management fund would provide for the salt and sand storage facility. Mr. Watt explained that the most logical process would be for the waste management fund to provide financial resources to build a facility for street operations that would free up existing space so that the waste management program could grow. Mr. Nankervis expressed a desire to hear more about this topic at the next meeting.

D. Solid Waste – Recommendations.

Mr. Watt spoke briefly on the need to improve waste management practices. Improvements would take many forms. Public education would be a component in the overall goal to divert waste to the landfill through improved recycling efforts and solid waste handling.

VI. Contracts Division Activity Report

VII. Adjournment – Next Meeting Scheduled

Next meeting is scheduled for March 23, 2015.

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

March 2, 2015, 5:00 PM.
Assembly Chambers

I. ROLL CALL

Jesse Kiehl called the meeting to order at 5:00pm.
Members Present: Mary Becker; Jesse Kiehl; Jerry Nankervis
Members Absent: Kate Troll
Liaisons Present: Bill Peters, Planning Commission; Mike Peterson, Docks & Harbors Board
Staff Present: Greg Chaney, Lands Manager; Rob Palmer, Assistant Municipal Attorney; Rorie Watt, Engineering and Public Works Director; Laurie Sica, City Clerk; Laura Boyce, Senior Planner; Beth McKibben, Planning Manager; Hal Hart, CDD Director; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Bob Bartholomew, Finance Director

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

A. February 9, 2015

The minutes of the February 9, 2015 Lands Committee were approved.

IV. PUBLIC PARTICIPATION

Mr. Mike Peterson stepped away from the dias to speak outside of his representation for the Docks and Harbors Board. He asked to have a determination on whether the access to the property in Hidden Valley was a road or a trail. He suggested that the applicant tear out road, put in a path and have ATV access like Tenekee or Tee Harbor, or create a new designation that is not remote and remote or hold your nose and provide a 16 foot width access trail to the property.

V. AGENDA TOPICS

A. Continued Discussion on Ordinance 2015-02; An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Remote Subdivisions Area Map for Hidden Valley Tract B, Located in the Upper Lemon Creek Valley, from "Not Remote" to Remote.

Laura Boyce, Planning Commission, provided a presentation to the committee.

Two issues were discussed concerning the proposed subdivision - should the property be classified as remote or not remote, and how the property could be subdivided under current subdivisions standards.

Ms. Boyce read from 49.15.460(5)(A) concerning the access requirement for a remote subdivision. She showed the requirements for remote subdivisions comparing rural remote versus rural / not remote (what current subdivision is).

Mr. Nankervis - private sewer is septic tank/leach field - yes. He asked for a reason for her presenting the option for a remote subdivision versus a rural subdivision. She said this outlined the subdivision requirements for the current designations and if it were designated remote.

Mr. Peters - when this came before the Planning Commission - it was determined that this is currently a trail, not a road, as developed, and for future development, there will be a discussion about further

requirements.

Mr. Nankervis said the currently required minimum road width of 28 feet was very wide and he thought that may be excessive for what was needed, but this does determine that the "road" there now is not a road.

Mr. Kiehl - Willoughby right of way - is that 28' wide? Mr. Chaney - 24 feet would be for two cars driving in two directions.

Mr. Watt said the land use code had a one size fits all approach to street standards and 28 feet was envisioned for two cars and parking. Drivable surface plus shoulders - two 10 foot lanes with 2 foot shoulders. He was not aware of a subdivision that was built outside the urban service area in his time at CBJ.

Ms. Becker asked if there was a definition of an official road in CBJ. It seemed like there were a lot of numbers. Mr. Watt said there were the land use code definition and a companion drawing in engineering standards - detailing a rural subdivision roadway.

Mr. Nankervis said that it is likely that a road for a rural subdivision hasn't been constructed because he thought the minimum was oversized.

Mr. Kiehl said if you can drive to a lot you can build a lot more than a cabin, and there could be up to 23 different owners interested in running water and building a road later on. It seems like a remote subdivision would be an ATV access way. There should be a memo stating that they are not interested in future services, or the developer should establish covenants that there would never be a call for future services. Mr. Kiehl said that people would eventually want services. He asked Mr. Palmer if he was satisfied that some representation that urban services would not be needed in a future subdivision.

Mr. Palmer said the covenants that were provided by the landowner were in the packet, whether that is enough, he was not sure. He referred to Bonnie Brae, which had covenants, and eventually those neighbors asked for city services.

Ms. Becker asked if the Bonnie Brae covenants protected the CBJ from having to pay for the services. Mr. Palmer - Bonnie Brae wasn't in this situation. They came to the City for help so they didn't have to pay an exorbitant cost to repair the community sewer system. Mr. Watt - spoke about the Bonnie Brae situation. Their discharge permit was expiring and DEC agreed to extend it if they could hook up to municipal sewer within a certain amount of time. Because of the location, the density, and nearness of other neighbors, it was unavoidable for CBJ to take over the system. Mr. Palmer - 49.15.460(5)(A) - asked to correct a response he had to the Assembly before. I have been corrected, the current code does have this code regarding whether lots have to front on navigable water. My response was no, but I've been corrected, that it does have to front on navigable water. If the Assembly approves this ordinance, we will look at a text amendment to change this provision.

Ms. Becker asked if current remote locations not on an island where there is 30 feet on navigable water. Ms. Boyce said that some of the properties were deemed remote because they have significant access to the water.

Mr. Palmer - explained the remote subdivision map - what is remote and not remote.

Mr. Kiehl - what recommendation to forward to the full Assembly? - whether to recommend that this map amendment go forward or not and if there should be any code changes. I can't buy the trail argument if a truck can drive it. We could call it remote even if there is a 24 foot driving service. I am concerned about a remote subdivision passed significant industrial use and I have a hard time believing that there won't be several homes up there and full time residents driving to work, which will lead to a request for services eventually. We should clarify this code to ensure people don't have to wait this long for a designation.

Mr. Peters said this trail would not allow a fire truck to access the property, so it is "remote." When the Planning Commission reviewed this, we reviewed it as a trail and not a road.

Mr. Nankervis - referred to the proposed subdivision covenants declaration - it speaks to a length of 25 years, but that it can be modified any time after 3 years, so this appears to be only a three year plan. Mr. Nankervis referred to fire trucks accessing Gastineau Avenue property which was undersized for current road standards and said that fire trucks have a reverse gear to enable them to back out. This road seems to have been installed without permission, we asked where people would park their cars if they were to park to take a trail up to their property. He said he had too many concerns to make a thumbs up recommendation.

Ms. Becker said she thought it was a neat idea, the Planning Commission made recommendations, and not sure what the next steps would be - if not designating it a road with covenants is not enough, she's not sure what would be enough.

MOTION, by Becker to forward the measure as proposed by the Planning Commission.

Mr. Kiehl said that property is within 5 minutes drive from Costco, after the first fire or heart attack, the road would be widened to city standards, so he was a no vote.

Mr. Nankervis was not supportive of the proposed remote subdivision, but supported moving it to the full assembly for further discussion.

MOTION, by Becker - to accept the proposal and send it to the full assembly.
Roll call

Aye: Becker, Nankervis
Nay: Kiehl
Motion passed, 2 ayes, 1 nay.

B. Lands Fund Overview

Mr. Chaney spoke about the Lands Fund, including the lands fund code. We are supposed to dispose of land with a purpose. Proceeds from sales go into the fund, and all costs associated with sale or acquisition come from the fund and are intended to be used to manage CBJ property. The Lands Division is self-funded - everyone who works in the division is funded by the lands fund. We also pay for help from engineering with managing the rock quarry. We were projected to bring in $540,000 from gravel and rock sales, leases and easements, and a shortfall was projected in FY15. However, the costs were below budget and revenues were above projected, partly due to large amount of rock sales, the Lena Land sale. The projection for FY16 is back to showing a loss due to the economy, and other factors. We have long time frames to work out a return on investment. The Lena Subdivision was started over ten years ago and we realized funds this year from that. In FY14 there was $2.9 million, FY15 projected was $2.6 million, and FY15 actual is $3.3 million in the Lands Fund. FY16 is projected to have $2.9 million. We need several years of cushion to operate at a loss for a few years to get disposals online. If we wait until the economy is good to start planning a land disposal, we will be behind the curve.

Mr. Kiehl - significant increase for expenditures from FY15 actuals to FY16 budget. Mr. Chaney said the scales at the gravel pits need to be replaced and putting in a new electronic ticketing system.

Mr. Peterson - moving into a new generation of scales at the pits and quarries would be a good idea.

C. Tom Mattice, Emergency Program Coordinator, will provide a presentation concerning evaluation of grant options for riverbank stablization and flood mitigation

Mr. Kiehl apologized that the time had gone too long and the issue was put forward to a future meeting.

VI. STAFF REPORTS

There were no staff reports.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

There were no committee member or liaison comments.

VIII. ADJOURNMENT

The meeting adjourned at 5:53 p.m.