

Agenda

Committee of the Whole

City and Borough of Juneau

Ben Haight, Chair

July 12, 2016

Assembly Chambers

5:00 PM

I. ROLL CALL

II. REGULAR AGENDA

A. AME2015 0012: Text amendment of Title 49 concerning private road standards.

III. OTHER BUSINESS

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

V. ADJOURNMENT

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-26

An Ordinance Amending the Land Use Code Relating to Access Standards.

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. Repeal of Section. CBJ 49.15.424 Access, is repealed and reserved.

Section 3. Repeal of Division. CBJ 49.15 Article IV, Division 4, Privately Maintained Access in Rights-of-way, is repealed and reserved.

Section 4. Amendment of Section. CBJ 49.15.442 Improvement Standards is amended to read:

49.15.442 Improvement standards.

The following improvement standards apply to remote subdivisions:

- (1) CBJ 49.35.250 ~~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.

Section 5. Amendment of Chapter. CBJ 49.15.620 Planned unit development review process, is amended to read:

(a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402 ~~49.15.430~~, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.15.402 ~~49.14.430~~ shall be included with the preliminary and final plan submissions required by this chapter.

Section 6. Amendment of Chapter. CBJ 49.15.630 Preliminary planned unit development plan approval, is amended to read:

(a) *Application.* The developer shall submit to the department one copy of a complete planned unit development application, which shall include an application form, the required fee, any information required in subsection 49.15.402 ~~49.15.430(1)~~, the information required by this section, and any other information specified by the director.

Section 7. Amendment of Chapter. CBJ 49.35 Public Improvements, is amended to read:

Chapter 49.35 Public and Private Improvements

Section 8. Amendment of Section. CBJ 49.35.110 Purpose, is amended to read:

49.35.110 - Purpose.

The purpose of this chapter is to:

- (1) Establish design and development criteria for public and private improvements; and
- (2) Outline the procedures and responsibilities of the developer for furnishing plans and completing the improvements.

Section 9. Amendment of Sections. CBJ 49.35.120 Public improvements;

generally, is amended 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 10. Amendment of Table. 49.35.240 Table of roadway construction

standards, is amended to read:

<i>Avg. Daily Trips (ADT)</i>	<i>Adopted Traffic Impact Analysis Required</i>	<i>Sidewalks</i>	<i>Travel Way width</i>	<i>Street lights</i>	<i>ROW Widthⁱⁱ</i>	<i>Paved Roadway Required</i>	<i>Publicly maintained</i>
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft. <u>Public ROW</u>	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft. <u>Public ROW</u>	Yes	Yes
0 to 211	No	Not required	22 ft.	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROW</u>	Yes	Yes
0 to 211	No	Not required	20 ft. ⁱ	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROW</u>	No, if outside the urban service area ⁱⁱⁱ	No
<u>0 to 50</u>	<u>No</u>	<u>Not required</u>	<u>20 ft. ⁱ</u>	<u>No</u>	<u>50 ft. private easement</u>	<u>Noⁱⁱⁱ</u>	<u>No</u>

Notes:

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 located within the urban service area or within the Juneau PM-10 Non-Attainment Area - Maintenance Area Boundary map.~~

Section 11. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new section to read:

49.35.250 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 in this section or in 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage. The minimum frontage requirement on a right-of-way is 30 feet 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.

1
2 (c) *Privately maintained access within a subdivision.* Lots shall front and have direct access
3 to a publically maintained street except as:

4 (1) *Privately maintained public access.* A subdivision may create new lots served by
5 a privately maintained access within a public right-of-way not maintained by an agency of
6 government as provided by CBJ 49.35, Article II, Division 2. All lots must have either a
7 minimum of 30 feet of frontage on a right-of-way, or the minimum lot width for the zoning
8 district or use as provided in CBJ 49.25.400.

9
10 (2) *Private shared access.* A lot in a subdivision is exempt from having the minimum
11 frontage on a public right of way when a new access point is prohibited or when a new
12 access point would likely result in a traffic safety hazard as determined by the director. A
13 lot without frontage on a right-of-way is required to be served by a shared access as
14 provided by CBJ 49.35, Article II, Division 1. All lots served by a shared access shall have
15 a minimum of 30 feet of frontage on the shared access.

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

20
21 (e) *Access within remote subdivisions accessible by pioneer paths.* All lots must either have
22 direct and practical access with a minimum of 30 feet of frontage on the right-of-way, or the
23 minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

Section 12. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new division to read:

DIVISION 1. PRIVATE SHARED ACCESS

49.35.260 Purpose.

- (a) A subdivision shall be designed to minimize lots without frontage on a publicly maintained right-of-way.
- (b) If a new access point is prohibited or if traffic safety concerns warrant restricting access to a public right-of-way, then shared access serving three or fewer lots not having frontage on a right-of-way may be constructed within a private easement consistent with this division.

49.35.261 Application.

An applicant must submit the following to request shared access:

- (1) A preliminary plan and profile of the proposed shared access; and
- (2) A proposed access easement, drainage and utility agreement

49.35.262 Standards.

- (a) *Agency Review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.
- (b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that has a shared access if all of the following criteria are met:
 - (1) A new access point is prohibited or a new access point would likely result in a traffic safety hazard.

(2) The shared access will be located in a private easement completely on the lots served.

(3) The shared access serves three or fewer lots. If a subsequent common wall residential subdivision is intended to be served by shared access, the common wall parent lot shall count as two lots.

(4) The shared access does not endanger public safety or welfare.

(5) The shared access complies or can be improved to comply with the emergency service access requirements of CBJ 19.10.

(6) The use of each lot served by the shared access shall be limited to one single family residence and an accessory apartment.

(7) Shared access is only allowed in RR, D-1, D-3, D-5, and D-10 SF zoning districts

(8) Shared access is prohibited if street connectivity would be impaired

(9) Shared access is prohibited if the subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way.

(10) The portion of the shared access in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.

(11) Lots must meet the minimum standards for the zone district according to the Table of Dimensional Standards excluding the shared access easement. A buildable area must exist without the need for a variance.

(c) *Approval Process.*

(1) Upon preliminary plat approval by the director, the applicant shall construct the shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway

with 0 to 50 average daily trips. A financial guarantee cannot be used as a condition of construction.

(2) The shared access easement shall be recorded.

(3) The following shall be noted on a plat or in a recorded decision that contains a shared access:

(i) The private easement is for access, drainage, and utilities and shall be specifically identified.

(ii) The owner(s) of the lots served by the private access easement acknowledge the City and Borough of Juneau is not obligated and will not provide any maintenance or snow removal in the private easement.

(iii) The owner(s) of the lots served by the private access easement shall be responsible and liable for all construction and maintenance of the shared access from the edge of the publically maintained travel lane.

(iv) Except a subsequent common wall subdivision depicted on this plat, the lots served by the private access easement are prohibited from subdividing unless the access is upgraded to a public street, dedicated to, and accepted by the City and Borough of Juneau.

(v) Owner of a lot served by the private access easement shall automatically abandon all rights to and usage of the private access easement except for utilities, if any, if a publically maintained street serves that lot.

(vi) A lot with frontage on a public street and on the shared access is prohibited from accessing the public street except through the shared access.

49.35.263 Other Shared Access Requirements.

- (a) If a shared access is approved, the applicant must apply for and receive a right-of-way permit to construct the shared access.
- (b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.
- (c) The front yard setback shall be measured from the shared access easement.
- (d) The width of the shared access easement may be reduced up to 10 feet if the director finds there is sufficient area for the provision of utilities, drainage, and snow storage.
- (e) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.
- (f) Parcels that are served by an existing shared access and made nonconforming by the adoption of this division shall be allowed to construct a single family residence and any previously approved development permit. All other development shall be prohibited unless consistent with this division.

Section 13. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new division to read:

DIVISION 2. PRIVATELY MAINTAINED ACCESS IN A RIGHT-OF-WAY

49.35.270 Purpose.

A privately maintained access road serving 13 or fewer lots located outside the urban service area may be constructed within a public right-of-way and constructed to less than full public

street construction standards.

49.35.271 Application.

On a preliminary plat application, the applicant must submit the following to request approval for a privately maintained access in a right-of-way:

- (1) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities; and
- (2) A proposed access agreement as required by 49.35.272.

49.35.272 Access agreement.

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

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

(6) The grantee is required to arrange for maintenance of the right-of-way. 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 211 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 access agreement;

(10) Any development that increases the estimated traffic above 211 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; and

(12) The owners agree to maintain in full force and effect any insurance policy required by the City and Borough until and unless the roadway is accepted for maintenance by the City and Borough.

(b) Prior to the City and Borough executing the access agreement:

(1) The owners of the lots subject to the agreement shall create an owner's association for the purpose of continuing the duties contained in the agreement; and

(2) The association shall obtain liability insurance of a type and in the amount deemed necessary by the City and Borough to provide coverage for claims arising out of or

related to the use, occupancy, and maintenance of the privately maintained access road.
The City and Borough shall be named as an additional insured on any required policy.

49.35.273 Standards.

(a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.

(b) *Approval criteria.* A subdivision may be approved, with or without conditions, that has a privately maintained access in a public right-of-way if all of the following criteria are met:

(1) If the subdivision is located outside of the Urban Service Boundary; and

(2) If the proposed privately maintained access would abut and provide access to 13 or fewer lots each limited to a single-family residence, or the proposed access road could serve 13 or fewer primary dwelling units; and

(3) The proposed privately maintained access will be located in a public right-of-way that has not been accepted for public maintenance; and

(4) The proposed privately maintained access does not endanger public safety or welfare; and

(5) The proposed privately maintained access will be improved to provide for emergency service access; and

(6) A privately maintained access shall only serve property in which the maximum allowable residential density uses do not exceed 211 average daily trips as determined by the director; and

(7) Property served by the privately maintained access shall include accessory apartment traffic, if allowed with or without a conditional use permit, even if accessory

apartments are not currently proposed.

(c) *Approval Process.*

(1) All of the requirements of this Title and the conditions identified in the preliminary plat notice of decision have been satisfied.

(2) Area for the right-of-way has been dedicated to the City and Borough of Juneau. The privately maintained access has been constructed consistent with corresponding standard in 49.35.240 for a roadway with 0 to 211 average daily trips.

(3) The access agreement is recorded prior to recording the final plat.

(4) The director may impose conditions necessary for public, health, safety, and welfare upon approving the subdivision.

49.35.274 Other requirements.

(a) If a preliminary plat with a 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 is not maintained by the City and Borough.

c) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.

Section 14. Amendment of Section. CBJ 49.80.120 is amended by the addition of the following definitions to be incorporated in alphabetical order:

Access point means any improvement designed for a motor vehicle to travel from or onto a right of way including, a driveway, a parking area, or street that intersects an existing street, and any similar improvements.

Grade (maximum grade for access) means the maximum percentage slope of the finished surface measured every 10 feet.

Travel way means the portion of the roadway for the movement of vehicles, exclusive of shoulders.

Section 15. Amendment of Section. CBJ 49.80.120 is amended to read as follows:

Common driveway means a commonly shared or used pedestrian or vehicular way that connects or serves two or more properties within a common wall development.

...

Roadway means that portion of a street intended for vehicular traffic, including shoulders. ~~where curbs are laid, the portion of the street between the back of the curbs. The sum of the traveled way and shoulder widths constitutes the roadway width.~~

...

~~*Roadway width* is measured as the paved section of a paved street or from shoulder to shoulder on a gravel street.~~

Section 16. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



Community Development

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

DATE: July 12, 2016

TO: Planning Commission

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

FILE NO.: AME2015 0012

PROPOSAL: Consideration of Title 49 Amendments regarding private access roads

The Community Development Department is proposing changes to Title 49, the Land Use Code, regarding private shared access road requirements. A major Land Use Code update concerning subdivisions became effective in September, 2015. During the Code update process, we became aware that the CBJ's common practice of allowing shared driveways to gain access to properties was not codified. Rather than delay the subdivision code update process to include shared driveway access legislation, it was decided that this proposed Code amendment would travel separately. The Assembly directed staff to codify the existing practice. The intent of the private shared access requirements are to regulate the shared portion of the access, to ensure that public health, safety, and welfare standards are met.

The proposed changes to the Land Use Code are discussed below. Staff seeks input on key policy direction as noted below.

Shared private access (private road)

The CBJ wants to provide flexibility with development options, but also provide for well-designed neighborhoods that link to other properties, providing a network of safe accesses and places to live. The overuse of shared accesses can result in haphazard development and hinder or prohibit future development. The proposed draft shared access concepts attempt to balance these concerns, yet provide options for shared access within subdivisions.

The key shared access options considered are as follows:

- The proposed access option would allow lots in new subdivisions to be exempt from the frontage requirement along a maintained right-of-way when a new access point is prohibited or when it could result in a traffic safety hazard, as determined by the director. This would result in privately maintained access within a private easement.

Planning Commission
File No.: AME2015 0012
July 12, 2016
Page 2 of 6

- How this differs from current practice is that all of the resulting lots from a subdivision would no longer be required to have frontage on a publicly maintained right-of-way. The long standing practice of CBJ has been to approve shared driveways when all of the lots have frontage on a publicly maintained street.
- Shared access in private easements may be considered for subdivisions of three or fewer lots that do not have frontage on a publicly maintained right-of-way with approval of a permit as follows:
 - Frontage of lots may be along the private easement;
 - No more than three lots may share the easement;
 - The easement may be constructed to less than full public street construction standards;
 - Is limited to subdivisions or portions of subdivisions in which traffic safety restricts access to a public right-of-way;
 - Only applies to residential lots in single-family zone districts (RR, D-1, D-3, D-5, and D-10SF);
 - The primary use of each lot served by the shared access is limited to one single family residence which may have an accessory apartment; and
 - Is only allowed if street connectivity would not be impaired by the proposed subdivision.
- Shared access standards include the following:
 - Fifty foot wide easement (may be reduced by up to 10 feet with Director approval);
 - May be unpaved (unless located in the Mendenhall Valley which is a PM10 limited maintenance area);
 - Must meet minimum International Fire Code (IFC) standards;
 - Yard setbacks would be measured from the easement rather than the property boundary;
 - Minimum lot size requirements must be met exclusive of the access easement; and
 - Provide a plat note that states the following:
 - Further subdivision is not allowed unless access is upgraded to a public street;
 - Acknowledgement that the owners are responsible for snow and access maintenance, not the CBJ;

Planning Commission
 File No.: AME2015 0012
 July 12, 2016
 Page 3 of 6

- Identifies presence of access easement and which lots are served by it; and
 - Owners shall automatically abandon all rights and duties to the private access easement when a publicly maintained street serves the lot.
- Required submittals for consideration of shared private access approval include the following:
 - A preliminary plan and profile of the proposed access along with any proposed public or private utilities;
 - A proposed utility easement if utilities are proposed to be located within the shared easement;
 - An access agreement; this will be reviewed to ensure it meets access requirements but not reviewed for legal sufficiency; and
 - Review by the Fire and Engineering and Public Works Departments with approval by the CDD Director, who may specify conditions.

Previous Subdivision Review Committee Review Comments

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

The Subdivision Review Committee members unanimously agreed that this subdivision option should be continued. They believe this is an opportunity to provide additional development options for parcels that may not be able to be subdivided otherwise. Also, in these cases, many times the public welfare is better served by providing an alternate access. While direct and practical access from each lot to a dedicated street is ideal, due to site constraints, such as topography or limited access points to the roadway, it may not be practical.

Practical access to subdivided lots can be achieved through shared driveways in private easements while also ensuring that the public's health, safety, and welfare are protected. The SRC would like to see this practice continued, but with limitations. Their suggested limitations include the following:

- Shared driveways in private easements are only available for residential subdivisions;
- The subdivision can generate no more than 70 ADT which is approximately four lots assuming one single-family lot with one accessory apartment for each lot;

Planning Commission
 File No.: AME2015 0012
 July 12, 2016
 Page 4 of 6

- The subdivision cannot create a landlocked parcel;
- If there is foreseeable future development beyond the proposed subdivision, as determined by the director, this option isn't available;
- Lots won't be required to provide frontage on a dedicated right-of-way;
- The driveway grade cannot exceed 15%;
- The CBJ must consider the driveway safe for access;
- An owner's association must provide for continued maintenance of the driveway;
- The minimum width of the driveway is 20 feet or as determined by the Fire Department; and
- The width of the easement should be 50 feet, but may be reduced by up to 20 feet, when approved by the Director;

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

Private Road Standards in other Alaskan Communities

- Kodiak Borough – private roads in a private easement can be approved for access to a subdivision (16.40.080 Private roads)
- Municipality of Anchorage – a variance for private streets can be approved by the Platting Board when the following can be demonstrated:
 - Why a private street is appropriate and preferable to a publicly dedicated street;
 - That a private party is willing and able to maintain a private street to public standards; and
 - That a private street presents no conflict or obstruction to the orderly expansion of the public street system. (21.08.040)
- Mat-Su Borough – allows gated subdivisions with private roads when the following criteria are met:
 - Roads are constructed to Borough standards;
 - Emergency service access is provided; and

Planning Commission
 File No.: AME2015 0012
 July 12, 2016
 Page 5 of 6

- Alternate legal access to adjoining properties is available.
- Fairbanks North Star Borough – allows for private access in an easement which meets the following requirements:
 - It is an easement appurtenant without limits on transferability to future subdivided parcels;
 - It is perpetual and irrevocable;
 - It is recorded;
 - It allows for construction, improvements and maintenance to borough standards;
 - It prohibits the use of any interest retained by the grantor which would be incompatible with its use as a road easement to the parcel being subdivided.
- Sitka – provides for substandard public roads and allows private access:
 - No more than four lots can use a single common access road constructed to less than the regular municipal street standards;
 - Subdivisions of up to three lots may have access easements rather than public street access; easements must be constructed to city standards;
- Ketchikan – Planning Commission can permit private access:
 - Every lot shall have frontage on a public street except the Planning Commission may determine that adequate access by public stairways or pedestrian trails, waterways, or private drives is available;
 - Where driveway access from an arterial is necessary for several adjoining lots, the Planning Commission may require that the lots be served by a shared access drive;

Key policy issues for discussion

- Is frontage on a publicly maintained right-of-way essential? CBJ's long standing practice of allowing shared driveways for multiple properties when all lots have frontage on a publicly maintained street meant that if the shared driveway situation failed for some reason, then the property owner still has the option to gain access through the frontage of the property to the street. Even though the topography of the lot may not be conducive for driveway access, stairways and a parking pad could possibly be developed. Allowing lots to have frontage solely along the private road easement means that the property owners must work together to maintain safe access to the properties. If for some reason the neighbors don't work together, no other access option remains.
- Should we limit uses for those properties that share private road accesses and shared driveways? The proposed changes include limiting uses to residential uses only.
- Should we limit private access roads to no more than three lots? Staff proposes no more than three as a way to limit the traffic along the shared access road. The Subdivision Review Committee previously suggested no more than four lots share access. At an April

Planning Commission
File No.: AME2015 0012
July 12, 2016
Page 6 of 6

Planning Commission meeting after considering a variance to frontage and access, the Commission expressed interest in revisiting the number of lots that would share common access.

- Staff has proposed that a shared private access road can be a gravel surface instead of paved. In the Mendenhall Valley, the private access road must be paved to mitigate dust within the PM10 attainment area. Is extending the paving requirement throughout the Urban Service Area desired instead?