Chapter 49.10

ADMINISTRATION AND COMPLIANCE

ARTICLE I.

PLANNING COMMISSION*

49.10.140 Decisions.

All permit actions of the commission and of the director as noted shall be in the form of a notice of decision setting forth the reasons therefore and conditions thereon, if any, signed by the presiding officer of the commission or by the director as noted, and promptly filed with the City and Borough clerk. Notice shall be mailed to the applicant with a copy retained in the department permanent records.

ARTICLE VI.

ENFORCEMENT

49.10.620 Compliance order.

(a) When, in the opinion of the department, a person is violating or is about to violate a provision of this title, or a lawful order of the department, or a permit, or a term or condition of a permit, issued by the department, the department may notify the person of its determination by personal service, or certified mail.

(f) Appeal from a decision of the commission shall be to the assembly in accordance with the provisions of section 49.20.120.

CHAPTER 49.15

PERMITS*

Article III. Types of Development Permits

49.15.310 Department approval.
49.15.320 Allowable use permit.
49.15.330 Conditional use permit.
ARTICLE I.

IN GENERAL

49.15.110 Permits required.

No person may perform or cause to be performed any development work within the City and Borough except in accordance with a valid development permit, subdivision permit, or early start or fast track authorization approved under the provisions of chapter 19.01 of the building code.

(Serial No. 87-49, § 2, 1987; Serial No. 97-26, § 3, 1997)

49.15.130 Complete applications.

(a) All applications for permits must be complete, signed and accompanied by the applicable fee before the permit-issuing authority can accept the application.

(b) An application is complete when it contains all of the information necessary to determine if the development will comply with all of the requirements of the permit.

(c) A determination of a complete application shall not preclude the director from requesting additional information or if new information is required to accurately assess the proposed project, or if substantial changes in the application are made.

(d) The director may waive specific submittal requirements that are determined to be unnecessary for review of the application. The applicant may request in writing that the director waive a required submittal. If the director agrees with the request, the justification for the waiver will be documented. If the director does not approve the waiver request, this will be noted as an item that must be submitted as part of the original application.

(e) If an application is determined to be incomplete, the department shall request additional information in writing.

(f) Permit applications shall contain a permission form signed by the applicant and the property owner granting permission to City and Borough officials, employees, and agents to enter upon the site during reasonable hours, to examine and inspect the site as part of the permitting procedure.

(Serial No. 87-49, § 2, 1987; Serial No. 91-51, § 2, 1991)
49.15.150 Application Cancellation

(a) A permit application may be canceled 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 beyond 180 days if the applicant provides and adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the department.

(b) For applications submitted to the department prior to the effective date __________, the director will assess the status of the application and, if it is determined to be incomplete, inform the applicant in writing of the additional information needed by the department and that the application will expire if the applicant fails to respond within 180 days from the date of the letter.

ARTICLE II.

DEVELOPMENT PERMITS

49.15.210 Type of development permit required.

The type of development permit required for a particular use shall be as specified in the Table of Permissible Uses in chapter 49.25, article III. Minor subdivisions, major in-house subdivisions, and major subdivisions shall be permitted according to Chapter 17 Subdivision Permits.

(Serial No. 87-49, § 2, 1987)

49.15.220 Minor and major development.

The intent of this chapter is to require a shortened approval process for minor developments and a more detailed review by the commission for major developments according to the following:

(1) Unless otherwise specified in this title, minor development shall require department approval. If the director determines that a series of applications for minor developments, taken together, constitute a major development, the applications shall be subject to the appropriate major development permit procedures and standards.

(2) Except as otherwise specified in this title, a major development shall
require one or more of the following approvals or permits:

(A) Allowable use permit;

(B) Conditional use permit;

49.15.230 Public notice.

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 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 the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way, 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 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 thereon to the owners of record of all property located within 500 feet of the property subject to the permit or rezoning. The director may determine that a larger notification area is appropriate based on the potential public interest in a project.

(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.

49.15.239 Effective date.

Development permits and subdivision permits shall be effective on the date that the notice of decision is filed with the City and Borough clerk.

49.15.240 Development permit expiration.
A development permit shall become void 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 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. The expiration of subdivision permits is in accordance with Chapter 17 Subdivision Permits, CBJ 49.17.125.

(Serial No. 87-49, § 2, 1987; Serial No. 97-01, § 5, 1997)

APPEALS, VARIANCES AND INTERPRETATIONS

ARTICLE I.

APPEALS

49.20.120 Appeal to the assembly.

Appeal to the assembly is a matter of right. Unless ordered otherwise by the assembly, a decision by the commission shall not be stayed pending appeal, but action by the applicant in reliance on the decision shall be at the risk that the decision may be reversed on appeal. The appeal of a commission decision not to hear a case shall be limited to that issue, the remedy for which shall be a remand to the commission for a hearing on the merits of the case. Appeals shall be conducted according to chapter 01.50 of this Code, except as provided in this section.

(Serial No. 87-49, § 2, 1987; Serial No. 91-41, § 2, 1991)

CHAPTER 17.

SUBDIVISIONS*
Cross References: Public ways and property, CBJ Code tit. 62; utilities, CBJ Code tit. 75.

Article I. Generally

49.17.105 Purpose.
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49.17.135 Effective Date

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Article IV Subdivision Improvements

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Article V Survey and Monumentation Standards

49.17.505 Compliance
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49.17.505 Monumentation

Article VI Subdivision Permits
ARTICLE I  GENERALLY

49.17.105 Purpose.

The purpose of this chapter is to regulate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the City and Borough in accordance with the City and Borough’s comprehensive plan, and municipal code. To meet this objective, subdivision regulations are adopted which:

1. Establish a process that facilitates the fair and predictable division of land
2. Encourage efficient and cost-effective provisions of public services
3. Address traffic and circulation to help lessen congestion in the streets and highways and provide for proper ingress and egress
4. Provide for greater flexibility in the division and establishment of residential lots.
5. Establish procedures for subdividing land to accommodate a variety of housing types including common wall, cottage, and bungalow housing development
6. Provide for the subdivision of land for commercial, multifamily, and mixed use lots; and
7. Accomplish uniform monumentation for land subdivision and ensure accurate legal descriptions for land conveyance.

49.17.110 Applicability

Except as specifically excluded, the provisions of this chapter shall apply to any division or redivision of real property wholly or partially within the City and Borough and shall govern the filing, processing, modification, approval, conditional approval or disapproval of preliminary and final plats for all subdivisions.

49.17.115 Exclusions

This chapter shall not apply to:

1. Cemeteries and other burial plots while used for that purpose; or
343  
344 (2) A division for the purpose of a lease of less than 55 years.
345

49.17.120 Enforcement
346  
347 (a) The owner of land located in a subdivision may not transfer, sell, offer to
348 sell, or enter into a contract to sell land in a subdivision before a plat of the subdivision
349 has been prepared, approved, filed, and recorded in accordance with this chapter. A
350 person may not file or record a plat or other document depicting subdivided land in a
351 public recorder’s office unless the plat or document has been approved by the
352 commission.
353
354 (b) The City and Borough attorney may bring an action in accordance with
355 Chapter 10, Article VI, Enforcement to restrain and enjoin further subdivision sales,
356 transfers, or offers of sale or transfer and compel compliance with this chapter.
357

49.17.125 Plat expiration
360  
361 (a) A preliminary plat shall expire five years from the date that the notice of
362 decision is filed with the City and Borough clerk unless substantial progress has been
363 made in construction of required improvements or an application for the final plat has
364 been accepted as being complete according to Chapter 15, Article I, CBJ 49.15.130
365 Complete Applications.
366
367 (b) If the preliminary plat expires, the director will determine the amount of the
368 original application fee to return based on the estimated amount of work completed on
369 the application proposal.
370

49.17.130 Appeals.
372  
373 Appeals for subdivision permits shall be according to Chapter 49.20, Article I
374 Appeals
375

49.17.135 Effective Date
379  
380 The effective date for a subdivision permit shall be the date that the notice of
381 decision is filed with the City and Borough clerk.
382

ARTICLE II PERMIT APPLICATIONS
384  
385 49.17.205 General
388  
389 (a) Application Submittal An application for a subdivision permit must be
390 submitted in accordance with Chapter 15, Development Permits, Article I. In General
(b) Application Cancellation. Cancellation of an application for a subdivision permit shall be in accordance with Chapter 15, Development Permits, Article I. In General

49.17.210 Preapplication / Sketch Plat

(a) Purpose The purpose of a preapplication conference and the submittal of a sketch plat is to:

(1) Inform the subdivider of the city and borough’s development policies, public improvement requirements, and platting procedures and regulations before substantial costs are incurred by the developer in the preparation of a formal application for subdivision;

(2) Inform staff of the subdivider’s development plans; and

(3) Identify issues with the proposed subdivision early on, including the subdivision layout, the extent and nature of required improvements, the location and protection of sensitive areas, impacts to adjoining properties, traffic, and any other issues relating to the proposal.

(b) Applicability

(1) A subdivider must have a preapplication conference and submit a sketch plat for comment and review by staff for a preliminary plat for major in-house and major subdivisions.

(2) A subdivider or staff may request a preapplication conference with submittal of a sketch plat for a preliminary plat for a minor subdivision.

(c) Preapplication conference submittals. The submittals required for a preapplication conference are the following:

(1) Fee There is no fee for a preapplication.

(2) Sketch plat A sketch plat must be submitted including the following:

(A) General

(i) A scaled drawing of the property, at a scale no smaller than two hundred (200) feet to an inch

(B) The size (acreage) of the original tract(s) being subdivided
(ii) A vicinity map in the upper right hand corner showing streets and other general development of the surrounding area (suggested scale 1"=1000)

(iii) The date the plat was drawn and an approximate north point

(iv) The name of the owner; and

(v) The name, address, & telephone number of the professional person(s) responsible for preparing the subdivision.

(B) **Existing features**

(i) The name and lot layout of adjoining developments

(ii) Any existing legal rights-of-way or easements, or other encumbrances affecting the property

(iii) The topography of the site, at no more than five (5) foot intervals, extended into adjacent properties within one hundred (100) feet of the boundary of the subdivision

(iv) Any areas, which may be affected by flooding, wetlands, geophysical hazards, and similar features.

(v) The location of significant structures

(vi) The location of all streets and intersections within one hundred feet of the boundaries of the proposed subdivision; and

(vii) The approximate location and sizes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent to the site.

(A) **Proposed Features**

(i) Proposed phasing (if applicable)

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

(iii) The, widths and names of all planned streets or other public ways within the subdivision

(iv) If the sketch plat submitted covers only a part of the tract under the control of the subdivider, the prospective street system of the unplatted part must be shown
49.17.215 Preliminary plat application

(a) Submittals  An application for preliminary plat approval shall be accompanied by the following submittals:

(1) Application Form  The appropriate application form(s) approved by the director

(2) Plat  A preliminary plat meeting the following requirements:

(A) Preparer  The preliminary plat shall be prepared by a registered professional land surveyor, registered in the State of Alaska

(B) Size.  The preliminary plat shall be submitted on 22 by 34 inch sheets.  The director of engineering may approve alternate sheet sizes.

(C) Illustration  The plat shall be drawn with non-fading black ink to a scale of one-inch equals 100 feet or less or other suitable scales that may be approved by the director of engineering.

(D) General Information  The plat must show:

(i) A title block in the lower right-hand corner containing:

(ii) The proposed name of the subdivision;

(iii) 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.

(iv) City and Borough of Juneau, Alaska

(v) Juneau Recording District
(vi) The date the map was prepared and revised;

(vii) The horizontal scale,

(viii) The name and address of the owner of record;

(ix) The name, address and telephone number of the subdivider; and

(x) The name, address, and telephone number of the surveyor preparing the map.

(E) Lot, Block, and Street Information

(i) The dimensions, number, and the area of each lot to the nearest square foot;

(ii) The dimensions shall be in feet and hundredths of a foot;

(iii) An identifying number and letter for lots and blocks respectively;

(iv) The lots shall be numbered consecutively commencing with the number “1” with no omissions or duplications. Each lot shall have its own individual number regardless of the number of blocks;

(v) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a “tract” with an identifying number;

(vi) 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 “parcels”, and consecutively lettered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat;

(vii) Abutting properties shall be shown with dashed lines, numbers, and/or letters;

(viii) For resubdivisions or right-of-way vacations, the lines and identification 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;

(ix) The minimum data shown for each curve shall be:

(a) Length;
(b) Central angle; 
(c) Radius; and
(d) Bearing and distance of long chord.

(F) Boundary lines

(i) All boundary lines of the subdivision with bearing and distances described;

(ii) The retraced boundary lines shall show both record and measured bearings and distances where they differ. Record dimension information shall be shown within parenthesis and include a record source identification (See CBJ 49.17.510);

(iii) 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; and

(iv) 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;

(G) Monumentation

(i) The monuments used to establish the basis of bearing;

(ii) Each monument found or set shall be identified on the plat by a symbol.

(iii) A complete description of the monument, including type and all information imprinted on the cap.

(iv) A legend showing the symbols for all the types of monuments; and

(v) The identification, description location and elevation and datum of the benchmark used to establish vertical control.

(H) Site access, circulation, and utilities.

(i) The widths and names of existing rights of way within the
subdivision, and rights of way within one hundred feet (100') of the subdivision boundary;

(ii) Proposed rights of way, including their width and proposed names;

(iii) The grades of existing and proposed streets within these rights of ways;

(iv) The width, ownership, use, and record reference of existing easements within the subdivision, and any easements within one hundred feet (100') of the subdivision boundary;

(v) The width, ownership, and use of all proposed easements;

(vi) All easements shall have sufficient dimensions shown to enable their location on the ground. (See CBJ 49.17.415 Easements);

(vii) Existing trails or pathways within the subdivision and within one hundred feet (100') of the subdivision boundary, including the width of any associated rights of way or easements;

(viii) Proposed trails or pathways and the width of their rights of way; and

(ix) If the plat submitted covers only a part of the tract under the control of the subdivider, a sketch of the prospective street system of the unplatted part shall be submitted. The proposed street system shall be reviewed in light of the transportation element of the comprehensive plan, other approved CBJ transportation plans, and current transportation principles.

(I) Topographic information. The following information must be displayed:

(i) 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;

(ii) For slopes between five percent and ten percent show two foot contour lines
For slopes greater than ten percent show five foot contour lines.

Every fifth contour shall be distinctive and clearly labeled.

Contour lines shall extend a minimum of 100 feet beyond the tract boundary.

Dashed lines shall represent existing contours.

Topographic mapping shall include any significant features, which can materially affect the design of the subdivision, including, but not limited to structures, fences, walls, and utility poles.

If irregular slopes or special features are present, additional contour information may be required by the director of engineering for planning or construction purposes. Additional information may include projecting the topography of the site after grading has taken place including such items as:

- Pad elevations and drainage patterns for each lot;
- Tops and toes of all manufactured slopes, including daylight lines; and
- Existing and proposed retaining wall locations and heights.

For subdivisions located in hillside areas, those areas with slopes greater than eighteen percent, additional requirements apply in accordance with Chapter 70, Article II Hillside Development.

Sewer and water

Existing sewer and water mains within the tract with pipe sizes and grades;

A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction;

Multisheet plats When a plat requires more than one sheet, exclusive of a certificate sheet, the following data must be included on all the additional sheets:

North arrow
(ii) Legend

(iii) Surveyor’s seal and signature

(iv) Title block

(v) Sheet _______ of ________;

(vi) All plat notes; and

(vii) 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 (See Attachment __).

(3) Additional mapping or reports. The following additional information must be submitted with the preliminary plat. The director may require that this information be shown on supplemental maps for clarity.

(A) Overlay maps

(i) Any portion of a special flood hazard area, landslide or avalanche hazard area, a habitat area according to section 49.70.310, or a wetland area, within the proposed subdivision shall be shown and identified on the plat. These areas include those shown on the overlay maps adopted in this title and any areas that are found to exist on the site.

(ii) Wetlands The boundaries of wetland areas shown on the preliminary plat must be determined by a person certified to make wetland delineations.

(iii) Geophysical hazard areas Additional regulations apply to subdivisions located in geophysical hazard areas in accordance with Chapter 70, Article III, 49.70.300 Landslide and avalanche areas.

(iv) Special flood hazard areas Additional regulations apply to subdivisions located in special flood hazard areas in accordance with Chapter 70, Article IV. Flood Hazard Areas, CBJ 49.70.400(4)

(B) Soils A soils report addressing the following:

(i) On Lot Waste Disposal If a proposed subdivision is located further from the existing public sewer system than specified in CBJ 49.17.435(a), and the subdivider chooses not to connect to the public system, a soils report must be submitted which includes the following:
(a) Certification from a qualified engineer licensed by the State of Alaska, indicating 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. (See CBJ 17.435(b);

(b) The recommended 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;

(ii) Subdivision design. 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.

(C) Drainage The method by which the subdivider proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Specifically, a drainage plan that includes the following:

(i) A calculation of the 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 calculations shall be based on a fully-developed subdivision and a 25-year storm event;

(ii) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering approves use of an alternative drainage way.

(iii) 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.

(iv) All required improvements, on or off-site, will be shown on the construction plans in accordance with CBJ 49.17.440 and constructed as part of the subdivision.

(D) Water

(i) If a proposed subdivision is located at greater distances from the existing public water system than specified in CBJ 49.17.430(a), and the subdivider chooses not to connect to the public system, a statement that the subdivider will provide a community water system or that individual wells will be used.

(ii) 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 49.17.430(b). This subsection does not apply to submittals for a subdivision designated as a remote subdivision according to CBJ 49.17.430(b)(2); or to a minor subdivision according to CBJ 49.17.430(b)(2).

(iii) A copy of the state application for securing water rights for the quantity of water required to meet subdivision demand;

(iv) The director, for major in-house subdivisions, and the planning commission, for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report for preliminary plat approval. If the provision of a water report and the proof of water availability are waived, then these requirements must be included as a condition of preliminary plat approval;

(E) Erosion control

(i) The method by which the subdivider proposes to manage runoff, to control erosion, and deal with any potential impacts to adjacent properties or water bodies;

(ii) A plan for preservation of ground cover may be required in areas where runoff and resulting erosion need to be minimized; and

(iii) An erosion control plan, which includes necessary control structures, will be required with construction plans.
Tree removal  The location of existing trees and areas of planned tree removal. If, after review of the clearing plan, the director finds there is a potential safety issue due to reduced wind firmness of the remaining trees, the subdivider may be required to investigate and propose mitigation for the hazard;

Traffic study  A traffic impact analysis may be required with the preliminary plat in accordance with Chapter 40, Article III Traffic.

Shadow plats

(i) In transition areas, a shadow plat shall be submitted according to Chapter 70, Article VII, Transition Areas, CBJ 49.70.710.

(ii) 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.

Other documents

(A) A copy of traverse computations

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

49.17.215 Final plat applications

(a) Application Submittals. All applications for final plat approval shall be accompanied by the following:

(1) Application Form. The appropriate form(s) approved by the director;

(2) Fees. The appropriate fees according to Chapter 85, Fees;

(3) Plat. A final plat meeting the following requirements:

(A) General requirements. All final plats must meet the requirements set forth in CBJ 49.17.215, Preliminary Plat Application, specifically sections (D), General information, (E), Lot, Block, and Street information, (F), Boundary lines, and (G), Monumentation.
(B) Notes, restrictions and covenants. The director for minor and major in-house subdivisions, and the commission for major subdivisions, may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with subdivision regulations. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the municipality and the public, and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality by injunction or other appropriate action, in the same manner as a permit or permit condition, pursuant to CBJ 49.10.600--660, or by any specifically affected member of the public.

(C) Certification, all plats. The following certificates shall appear on all plats:

(i) Ownership Certificate:

I (we) hereby certify that I am (we are) the owners of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, and dedicate all streets, alleys, pathways, sidewalks, other improvements easements, parks and other open spaces to public use, or to private use as noted:

_______, ____, 20__

Date

Owner

(signature)  (signature)

(text)  (text)

(An appropriate individual notary acknowledgment (Alaska) required).

(ii) Corporate Ownership Certificate

I hereby certify that (corporation name in text) is the owner of the property shown and described hereon and that I as (title in text) hereby adopt this plat of subdivision with my free consent, and dedicate all streets, alleys, pathways, sidewalks, other improvements, easements, parks and other open spaces to public use, or to private use as noted.

Date: ________________, 2____.

An appropriate individual notary acknowledgment (Alaska) required.)
(iii) 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 49 of the Code of the City and Borough of Juneau, that all dimensional and relative bearings are correct and that monuments are set in place and noted upon this plat as presented.

Date: __________________

(stamp with signature & license)

(D) Certification, minor and major in-house subdivisions. The following certificate shall appear on minor and major in-house subdivisions.

(i) Director's Certificate

I hereby certify that the plat shown 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.

Date: __________________

(signature)

Director City and Borough of Juneau Department of Community Development

"Attest: __________________ (seal)

(signature)

Clerk City and Borough of Juneau

Plat case number: __ (text) __

(E) Certification major subdivisions. The following certificate shall appear on major subdivisions:
(i) Planning commission certificate:

I hereby certify that the subdivision plat shown hereon has been found to comply with Title 49 of the City and Borough code Juneau, Alaska and that said plat has been approved by the Planning Commission on ________, 20________, and has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

Dated __________, 2________.

____ (signature) ________
Chair of the City and Borough of Juneau Planning Commission

"Attest:

_____ (signature) ________ (seal)
Clerk, City and Borough of Juneau Planning Commission

(C) 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 acknowledgments required by this chapter

(4) Other Documents. While not required to be placed on the plat, the following documents are required:

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

(B) Proof of construction plan approval;

(C) Certification of approval of the Alaska Department of Environmental Conservation for a proposed community water system.

(D) Utility statements. 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

(E) Improvement Guarantee. A draft improvement guarantee, according to CBJ 49.40 Financial Responsibility, if the subdivider is proposing to record the plat prior to the completion of any required improvements.
(b) **Submittals for Final Plat Recording.** After the director of engineering and the director of community development have approved the final plat for recording, the following additional materials must be submitted:

1. One original reproducible plat on 22 by 34 inch sheets. The director may approve other suitable sheet sizes and will determine whether copies of the plat are required.

2. The plat shall be drawn with non-fading black ink at a scale of one-inch equals 100 feet or less. The director may approve other suitable scales.

3. All certificates signed and notarized, and one plat must have original signatures.

4. Any improvement guarantee according to CBJ 49.40 Financial Responsibility.

5. Deeds, easements, or rights-of-ways for land that the subdivider is transferring to public agencies that is 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.

7. Certification of payment of taxes and special assessments levied against the property; and

8. A certificate of appropriation of water, if a non-public source of water is proposed for the subdivision water supply.

### ARTICLE III SUBDIVISION DESIGN

49.17.305 **General.** The following design standards shall apply to all subdivisions except as noted:

(a) **Topography.** The subdivision layout must take into account the design limitations imposed and opportunities presented by slopes, waterways and other topographic features.

(b) **Cultural Resources.** Locations with important cultural resources shall be taken into consideration during subdivision layout.
49.17.310 Streets

(a) General. A right-of-way dedicated as a part of a plat shall also meet the requirements according to CBJ 49.17.425 Streets.

(b) Layout

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

(2) The street system shall provide for connecting streets into adjoining unsubdivided lands.

(3) Street connectivity. Subdivision street systems shall be designed to maximize the number of connecting streets in a given area – 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.

(4) Streets shall be laid out to discourage the use of cul-de-sacs.

(5) Traffic calming should be taken into account in street layout.

(c) Intersections. Street jogs shall be avoided according to CBJ 49.17.425(4)(E).

(d) Street classification map. There are adopted street 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 within the CBJ. The street classification maps will govern references to streets in this Title.

(e) 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; and

(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 (35,000 sq. ft.);
All of the lots must share a common access point and further subdivision of the newly created lots is not allowed;

Common access to all lots is required and back-out parking is prohibited. The subdivider 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.

The subdivider, must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which are acceptable to the director, that ensures the required access will be constructed and maintained by the property owners; and

The proposed subdivision must meet all other applicable subdivision standards and requirements.

Collector streets. Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.

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

The plat shall note that no lots shall access directly onto the major collector; and

Access shall be provided onto an interior access street or a separate frontage road.

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.

Minor collectors Access for lots is allowed directly onto minor collector streets if no other restrictions apply.

49.17.315 Lots.

Generally.

Subdivision lots shall meet the minimum dimensional standards established by Chapter 49.25, Article IV, except as provided in CBJ 49.17.325 Cul de sac lots and CBJ 49.17.330 Public/quasi-public use lots.

The shape, orientation, and setback lines of lots shall be appropriate for the development proposed.
Each lot must have at least one practical building site.

Side lot lines. Side lot lines should be at 90° angles to straight streets and radial to curved streets unless topographic conditions require otherwise.

(b) Double frontage lots. Except for corner lots, or where a frontage road or interior access road is required (See Figure __), 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.

(c) Shadow Plats When the subdivider is required to submit a shadow plat according to Chapter 70, Article VII, Transition Areas, CBJ 49.70.710, the director in the case of a major in-house 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.

49.17.320 Access.

(a) All lots must have direct and practical access to a publicly maintained street with a minimum 30 feet of frontage except as provided in CBJ 49.17.330 Public / Quasi-public use lots and CBJ 49.17._____ Remote Subdivisions. 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.)

49.17.325 Cul de sac lots

Cul de sac lots If a proposed lot fronts on a cul de sac, or a similar sharply curved right of way, the director for minor and major in-house subdivisions, and the commission for major subdivisions, makes a determination that meeting minimum lot width at the front building line according to 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.

49.17.330 Public / Quasi-public use Lots
Certain dimensional, access, and improvement standards can be waived for particular cases of land subdivision according to the following:

(a) The director for minor and major in-house subdivisions, and the commission for major subdivisions, may waive the dimensional standards for minimum lot size, lot width, and lot depth as shown in Chapter 25, CBJ 49.25.400 Dimensional Standards, for lot frontage and access requirements as shown in CBJ 49.17.320 Access, and the provision of public improvements as shown in Article IV Subdivision Improvements, where the proposed use of the lot is for open space, natural park, public utility, and similar quasi-public uses (e.g. private utility, conservation lot) if the following requirements are met:

1. The director or the commission find 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. The director or commission may waive individual or all requirements based on the specific use being proposed.

2. Restriction of building development, further subdivision, and other appropriate limitations shall be noted on the plat according to CBJ 49.17.215(a)(3)(B) that restricts the parcel to no development or limited use, and any other restrictions; and

3. For uses restricted from any building development (e.g. open space), that the land be put into some form of permanent protected status through the use of conservation easements, deed restriction, or other instruments acceptable to the City Attorney to assure building development will not occur.

ARTICLE IV SUBDIVISION IMPROVEMENTS

(Move Chapter 35 here)

ARTICLE V SURVEY AND MONUMENTATION STANDARDS

49.17.505 Compliance. All land subdivided in accordance with CBJ Title 49 shall be surveyed by a professional land surveyor licensed in the State of Alaska and in compliance with this article.

49.17.510 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) Established lines. 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) Basis of Bearing Statement. 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) Record Information. A note listing all plats of record, with recording information, pertinent to the boundary and property resolution.

49.17.515 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.

49.17.520 Monumentation

(a) Monumentation required for major and major in-house subdivisions.

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

(A) A 2 1/2 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 subdivider’s land surveyor at points designated on the final plat.

(B) The subdivider’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) Monumentation required for minor subdivisions

(1) **Monumentation.** 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) Monuments Type. Monumentation for minor subdivision must meet all the requirements for major subdivisions listed above in (b) with the exception that the type of monument set may be a secondary monument.

ARTICLE IV SUBDIVISION PERMITS

49.17.605 Minor subdivisions.

(a) Applicability.

(1) General applicability. The minor subdivision approval process may be used for subdivision of a parcel: that results in not more than a total of four lots; provided minor subdivisions shall not be used as a means to circumvent compliance with the more stringent subdivision requirements which control the subdivision of land into five or more lots. Specifically, no minor subdivision application may be filed:

(A) If the director determines that a proposed application for subdivision is a part of an ongoing subdivision development or is likely to be a part of a future subdivision development; or

(B) If the director determines that a series of applications for minor subdivisions, taken together, constitutes more than a minor subdivision, then the applications shall be subject to the appropriate major in-house, or major subdivision permit process and development standards.

(C) For a subdivision of a parcel any part of which is within a landslide or avalanche area according to Chapter 70, Article III, 49.70.300 Landslide and Avalanche Areas, or where the director of community development, director of engineering, or subdivider know of the existence of these hazards on site;

(D) If the property is a parcel any part of which has been subdivided by a minor subdivision within the preceding 24 months unless the following are true:

(i) The proposed subdivision creates no new lots; or.

(ii) The director determines that the original parcel subdivided in
the previous 12 month does not have the potential to be divided into more than four lots;

(iii) ______

(2) **Accretion Surveys.** The minor subdivision process shall be used for the review and recording of accretion surveys.

(3) **Property line adjustments.**

(A) The director may allow the minor subdivision process to be used to approve minor adjustments to any number of existing property boundary lines provided:

(i) There is no change to the boundary of an existing publicly dedicated right of way or other publicly dedicated parcel.

(ii) The adjustments do not result in an increase of more than a total of four lots.

(B) If new lots are created, they must meet all applicable requirements for provision of improvements according to Article Subdivision Improvements, and for lot access according to CBJ 49.17.320

(b) **Approval process**

(1) **Preapplication Conference.** Although not required for minor subdivisions, a subdivider or the director may request a preapplication conference with the subdivision advisory group (SAG) prior to formal submittal of a preliminary plat application.

(2) **Preliminary plat approval process.**

(A) **Application Submittal.** A preliminary plat application for a minor subdivision shall be submitted and processed in conformity with the standards described in this chapter and shall include the following:

(i) All required submittals in accordance with CBJ 49.17.215 Preliminary Plat Application, with the following exceptions:

(a) Proof of the availability of water according to CBJ 49.17.215(a)(3)(D).

(b) Submittal of a shadow plat for a subdivision proposed in a transition area according to CBJ 49.17.215(a)(3)(H) Shadow plats; and

(c) Requirements for construction inspection and maintenance of individual on-lot waste disposal
systems by the CBJ according to CBJ 49.17.435(b)(3).

(ii) Construction plans. The subdivider may submit construction plans with the preliminary plat application. Submittal of complete construction plans and their approval, are required prior to submittal of an application for a final plat.

(B) Determination of Complete Application

(i) The director shall make a determination as to the completeness of the application in accordance with Chapter 15, Article I, CBJ 49.15.130 Complete applications. If the director determines the application is incomplete the applicant will be notified of what additional information is required.

(ii) The director shall make a determination as to whether a traffic impact analysis (TIA) is required in accordance with Chapter 40, Article III Traffic. If so, the director will list the TIA with other items necessary to complete the application.

(C) Referrals

(i) After receipt of the application and determination of completeness, the director shall transmit a copy of the application to the members of the subdivision advisory group (SAG), together with a request for written recommendations.

(ii) The director may transmit copies to other public agencies and private entities that may have an interest in the proposal, together with requests for written recommendations.

(D) Review by the director of engineering.

(i) The director of engineering shall review and comment on the application along with the other members of the SAG.

(ii) Criteria for approval, the director of engineering will also address in his/her comments whether the subdivision proposal meets the following criteria:

(a) That the subdivision conforms to regulations concerning drainage, adequately protects water quality, and will not interfere with the use and enjoyment of properties downstream.
(b) That the streets and pedestrian ways as proposed align with and adequately connect with streets serving adjacent properties and accommodate anticipated traffic.

(c) That the minor subdivision conforms to the requirements of this chapter and that any proposed improvements can feasibly be constructed in accordance with Article IV Subdivision Improvements.

(d) Where public sewer is not proposed, the subdivider 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.

(iii) Recommendation After completion of this review, the director of engineering shall recommend approval, conditional approval, or disapproval of the preliminary plat application to the director of community development with a memorandum that includes any recommended conditions of approval.

(E) SAG Conference. The director or the subdivider may request a conference with the SAG to gather information on a subdivision proposal.

(F) Subdivision Review Committee. The director or applicant may also request review and comment by the subdivision review committee of the commission, according to CBJ 49.10.400 Subdivision review committee, to address any unresolved issues.

(G) Staff report and recommendations for preliminary plat approval

(i) Staff will prepare a report and recommendation on the preliminary plat. The staff report will include the recommendations of the engineering director, subdivision advisory group, and any other reviewers. The staff will make a recommendation and propose conditions using the decision criteria listed in (H) below.

(ii) Staff shall transmit a copy of the report to the subdivider prior to a decision by the director.

(H) Review by the Director – Decision Criteria.

(i) The director, shall, after receipt of the staff report and transmittal of the staff report to the subdivider, approve the
preliminary plat, disapprove the preliminary plat, or approve the preliminary plat with conditions.

(ii) The director shall approve, or approve with conditions, an application for a preliminary plat if he or she finds that the following criteria are met:

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

(b) The subdivision makes appropriate provisions for the public health, safety and general welfare, and public use and interest;

(c) The design of the subdivision and the type of improvements are not reasonably anticipated to cause serious public health or safety problems

(d) The engineering director has determined the preliminary plat meets the decision criteria listed in (D) above; and

(e) The proposed subdivision will result in suitable building sites for the potential uses and density of development that could be built on the property.

(iii) In addition, the director, will review proposed subdivision and street names for acceptability.

(I) Preliminary Plat – Notice of Decision

(i) The decision of the director will be recorded in a notice of decision, signed by the director, and filed with the City and Borough clerk.

(ii) In the case of denial of a preliminary plat application, the notice of decision may be amended if the subdivider responds with an amended plat within the 180 days period.

(J) Preliminary plat approval. Filing the notice of decision with the City and Borough clerk. and of the completion of all applicable conditions of plat approval shall constitute authorization for the subdivider to prepare construction plans. This approval does not authorize the subdivider to begin construction of the subdivision improvements.

(3) Construction Plans. The subdivider shall submit complete sets of
construction plans for all required improvements to the department in accordance with CBJ 49.17.410 for review by the director of engineering.

(4) Survey and Monumentation. Upon notification of construction plan approval, the subdivider shall complete required surveying and monumentation, in accordance with Article III of this chapter.

(5) Final Plat Approval Process

(A) Final plat application submittal requirements. A final plat application for a minor subdivision shall be submitted in accordance with 49.17.215 Final Plats except the following are not required:

(i) Certification of approval of the Alaska Department of Environmental Conservation for a proposed community water system according to CBJ 49.17.215 (a)(4)(C).

(ii) A certificate of appropriation of water according to CBJ 49.17.215 (b)(8)

(B) Determination of complete application. The director shall make a determination as to the completeness of the application in accordance with Chapter 15, Article I, CBJ 49.15.130 Complete applications.

(C) Review and recommendation.

(i) Following the determination by the director that the application is complete, a copy of the final plat shall be forwarded to the city engineer.

(ii) The engineer shall review and comment on the proposed final plat and forward his or her comments and any proposed conditions of approval to the director.

(iii) The director shall review the final plat to determine compliance with the requirements of this chapter. If the plat complies, the director will incorporate the comments from the director of engineering and either approve or conditionally approve the application for final plat. Written notice shall be sent to the subdivider.

(iv) If the plat is conditionally approved, the subdivider will resubmit the plat with all the necessary corrections made.

(D) Notes, restrictions and covenants. The director may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare according to CBJ 49.17.215 (a)(3)(B).
(6) Plat recording

(A) When the final plat application has been approved unconditionally, the director will notify the subdivider that the plat may be submitted for signatures and recording according to CBJ 49.17.215 (b).

(B) Prior to plat recording, the subdivider must construct all required improvements, or provide a financial guarantee, in accordance with Chapter 40, Financial Responsibility, to ensure their construction.

(C) The director shall sign the plat upon a determination that the final plat meets all of the requirements of this chapter and title and all other plat certificates have been signed and notarized.

(E) The department shall file the original plat at the State of Alaska Recorder’s office.

Chapter 49.40

ACCESS, PARKING AND TRAFFIC*

*Administrative Code of Regulations cross reference--Access, parking and traffic, Part IV, § 04

CBJAC 025.010 et seq.

Cross References: Traffic, CBJ Code tit. 72.

Article I. Access

49.40.105 Streams and bodies of water.
49.40.110 Trailhead dedications or easements.
49.40.120 Driveways.
49.40.130 Acceleration and deceleration lanes.

ARTICLE I.

ACCESS

CHAPTER 85 DEFINITIONS

Chapter 49.80
DEFINITIONS

Minor development means development which consists solely of a subdivision of four or fewer lots, a residential structure containing four or fewer dwelling units, or a nonresidential structure of 5,000 square feet or less.

Substantial Construction Progress means the completion of a portion of the improvements, which represents no less than twenty percent of the costs of the proposed improvements. In the case of a subdivision development, the cost of construction of buildings on those lots shall not be included.

Quasi–public means essentially public (as in services rendered) although under private ownership or control