

# Agenda

## Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

October 25, 2016  
Assembly Chambers  
7:00 PM

- I. ROLL CALL
- II. APPROVAL OF MINUTES
  - A. September 13, 2016 Draft Minutes - Regular Planning Commission
  - B. September 13, 2016 Draft Minutes - Committee of the Whole
- III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE
  - A. Additional Comments for the 10-25-2016 Regular and Committee of the Whole Meetings
- IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- V. PLANNING COMMISSION LIAISON REPORT
- VI. RECONSIDERATION OF THE FOLLOWING ITEMS
- VII. CONSENT AGENDA
- VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS
- IX. UNFINISHED BUSINESS
- X. REGULAR AGENDA
  - A. AME2015 0012 Text amendment of Title 49 concerning shared private access
- XI. BOARD OF ADJUSTMENT
- XII. OTHER BUSINESS
- XIII. DIRECTOR'S REPORT
  - A. AME2016 0013 Text amendment to Title 49 regarding CBJ parking requirements
- XIV. REPORT OF REGULAR AND SPECIAL COMMITTEES
- XV. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVI. ADJOURNMENT

Agenda  
**Planning Commission**  
**Regular Meeting**  
 CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
 September 13, 2016

**I. ROLL CALL**

Ben Haight, Chairman, called the Regular Planning Commission Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:02 p.m.

**Commissioners present:** Ben Haight, Chairman; Bill Peters, Michael LeVine, Percy Frisby, (telephonically), Nathaniel Dye, Matthew Bell, Carl Greene

**Commissioners absent:** Paul Voelckers, Kirsten Shelton-Walker

**Staff present:** Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Eric Feldt, Planner 1

**Assembly members:** Debbie White, Jerry Nankervis

**II. APPROVAL OF MINUTES**

- August 23, 2016 Regular Planning Commission Meeting

**MOTION:** *by Mr. Peters, to approve the August 23, 2016, Planning Commission Regular Meeting Minutes with any minor changes by Commission members or by staff.*

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**IV. PLANNING COMMISSION LIAISON REPORT**

Assembly Liaison to the Planning Commission Debbie White reported that \$4.3 million in a budget shortfall was addressed by the Assembly. They will address the school district shortfall at its November 9, (2016) meeting. There was some talk that the Governor did not have authority on some school issues, and a lot of it was due to school bond debt reimbursement, said Ms. White. The practice has been that municipalities pay for 30% of school construction and the State will pay for 70%. The State said it was not going to do that this year which left the City and Borough of Juneau with about a \$4.5 million deficit, said Ms. White. She said that \$500,000 of that will be covered by some unexpected sales tax revenue and \$500,000 through

departments trimming their budgets. The Assembly decided to pull money back it had allocated for deferred maintenance. The remaining \$2.6 million deficit was taken care of through bond fund balance money, not the budget reserve, said Ms. White.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

**VI. CONSENT AGENDA - None**

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None**

**VIII. UNFINISHED BUSINESS - None**

**IX. REGULAR AGENDA**

**AME2016 0011:** A proposed rezone of a vacant lot near the end of St. Ann's in Downtown Douglas from D-5 to D-18 zoning district.

**Applicant:** R & M Engineering

**Location:** St. Ann's Avenue

**Staff Recommendation**

Staff recommends the Planning Commission recommend the Assembly approve the subject rezone application, changing the zoning district from D-5 to D-18.

This item is for the rezone of a vacant lot near the end of St. Ann's in downtown Douglas from a D-5 to a D-18 zoning district, said Mr. Feldt. A zoning change is initiated by a private property owner, said Mr. Feldt, and the zone change requests are limited to the months of January and July, he said. This request came to the staff in July, he said. Public notice has been provided, said Mr. Feldt, in addition to a voluntary neighborhood meeting proposed by the staff. This meeting was held in mid-August, he said.

The applicant is proposing that this lot be expanded into the D-18 zoning district, said Mr. Feldt. If the Planning Commission provides a positive recommendation it then proceeds to the Assembly for action following public meetings, said Mr. Feldt. If the Commission votes to deny the rezone application, said Mr. Feldt, that decision is final and it does not go any further to the Assembly.

The property owner requests the rezone in order to develop the property by subdividing it into three small lots, said Mr. Feldt. There would then be a total of three homes, said Mr. Feldt. One lot would be a single family detached home and lots two and three would be two common wall dwellings, said Mr. Feldt.

On the subject site the owner may have up to two dwelling units, said Mr. Feldt. If the rezone request was approved it could have a maximum of up to six dwelling units, he said. The

building height for both zones is 35 feet and the maximum amount of land that can be covered by buildings is the same for both zones at 50 percent, he said. For a D-5 zone home with an accessory apartment three parking spaces would be required, said Mr. Feldt. If the rezone was granted the parking would be calculated on a per bedroom basis, he said. The rear yard setback for a D-18 zoning district is 10 feet instead of the 20 feet required for a D-5 zoning district, said Mr. Feldt.

If the lot was developed at its current zoning of D-5 the traffic would be more similar to existing lots, said Mr. Feldt. The Public Works and Streets Division was consulted about the impact of additional traffic generated by the rezone and it indicated that the trip count on a six plex could be accommodated by the neighborhood streets, said Mr. Feldt.

The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code, said Mr. Feldt. The rezone to D-18 from D-5 substantially conforms to the Comprehensive Plan and will not cause negative impacts to the adjacent property, said Mr. Feldt. The rezone expands the existing D-18 district to the subject site.

Mark Pusich of R & M Engineering said he was representing the applicant for the rezone request to D-18. They are unclear, he said, why the D-5 zoning district jumped across the street in the first place. This subdivision was created through a U.S. mineral survey and not part of the Douglas town site plan, said Mr. Pusich. He said he believes that is why it was designated as a natural park in the Comprehensive Plan.

Mr. LeVine said if they granted the rezone they would be giving authority for the construction of more units than the applicant is proposing to build. He asked how many units they could realistically construct on the property.

Mr. Pusich said it would depend on the size of the dwelling units. Adding more dwelling units than those proposed would trigger more stringent parking requirements, he said. He said in his opinion three was a comfortable and safe number for the development.

Applicant Guy Russo said he co-owned the property with his brother. He said he wanted to build a single family dwelling and his brother wanted to build a common-wall house on the property.

**MOTION:** *by Mr. Peters, to approve AME2016 0011 and accept the findings, analysis and recommendations of the staff.*

**Roll Call Vote:**

**Yeas:** Greene, Dye, Frisby, Bell, Peters, LeVine, Haight

**Nays:**

***The motion passed by unanimous vote.***

**X. BOARD OF ADJUSTMENT - None**

**XI. OTHER BUSINESS**

**Information Item: 8/10/16 Decision on Haven House appeal**

Mr. Steedle said the court's decision on the appeal of Haven House was that the Planning Commission and the Assembly acted properly and it upheld their actions in granting the Use Not Listed two years ago.

**XII. DIRECTOR'S REPORT - None**

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None**

**XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None**

**XV. ADJOURNMENT**

***The meeting was adjourned at 7:34 p.m.***

Agenda  
**Planning Commission**  
***Committee of the Whole***  
 CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
 September 13, 2016

**I. ROLL CALL**

Ben Haight, Chairman, called the Committee of the Whole (COW) Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:07 p.m.

**Commissioners present:** Ben Haight, Chairman; Bill Peters, Percy Frisby, (telephonically) Nathaniel Dye, Matthew Bell, Kirsten Shelton- Walker, Carl Greene

**Commissioners absent:** Paul Voelckers, Michael LeVine, Kirsten Shelton-Walker

**Staff present:** Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Roger Healy, Director of Engineering and Public Works

**II. REGULAR AGENDA**

**A. AME2015 0012: Consideration of Title 49 Amendments regarding private access roads**

Ms. Boyce provided examples of current access road situations which are distributed throughout the community as they currently exist in Juneau. Atwater Estates is located on Douglas, said Ms. Boyce, and the properties are zoned D-18 which is multi-family zoning. Roughly seven lots share access, with the access easement ranging in width from 20 to 30 feet, she said. All lots share access on Douglas Highway, and because it is an arterial access it is restricted, she said. This is a situation where single-family and common wall lots share a common access point, said Ms. Boyce.

Bellevue Subdivision is also located on Douglas island, said Ms. Boyce, which consists of common wall townhouse units which share a driveway easement with neighboring condominiums in the area. All units have street frontage but since the property is so steep it made more sense for the development to have access behind the units, she said.

Forest Edge Condominiums provide a different pattern, said Ms. Boyce, where all of the land is owned by the home owners association, in which 32 condominiums all share a private driveway which is accessed from Douglas Highway, she said. This easement proceeds through a neighboring parcel which is not owned by Forest Edge Condominiums, said Ms. Boyce.

Beach Drive is also located on Douglas Island with access provided by Second Street. All of the properties indicated by Ms. Boyce share a private road which is not maintained by the City; rather it is maintained by the property owners. This land is also zoned D-18, she said.

Ski Street is located on North Douglas, said Ms. Boyce. The property in this area is zoned D-1, with parcels which do not have frontage onto a publicly maintained right-of-way. They share an access easement to Ski Street, she said.

Three properties located on Nine Mile Creek Road on North Douglas share an easement due to the steepness of the lots even though they all have frontage on a publicly maintained right-of-way, said Ms. Boyce.

Mr. Greene asked if the Ski Street lots were constructed by a developer and then the road was subsequently turned over to the City for maintenance after it was constructed.

Ms. Boyce answered in the affirmative.

Peterson Creek Subdivision is located at the very end of North Douglas Highway, said Ms. Boyce. These nine lots share an easement from North Douglas Highway via other property, she said. The access within the subdivision is a 15 foot access and utility easement, she said. The access to the subdivision from North Douglas Highway is a 40 foot access easement, said Ms. Boyce. The home owners association maintains both of those easement segments, she said. This land is zoned Rural Reserve, she added.

In the Amalga Harbor area there is a series of lots that all share access easements, said Ms. Boyce. They do not have frontage on a publicly maintained right-of-way, she noted. They utilize easements through other properties to access Amalga Harbor Road, she added. These lots are zoned Rural Reserve, she noted.

Off of Glacier Highway near the ferry terminal there is an unbuilt public easement with four stacked lots, said Ms. Boyce. All of the lots do have frontage on a right-of-way, but it is an unbuilt right-of-way, she said. They do not have frontage on a publicly maintained right-of-way, said Ms. Boyce. They all currently have access to Glacier Highway through a series of lots, she said. This area is zoned D-1 transitioning to D-3, she said. They all share in the cost of maintaining the 25 foot access easement, said Ms. Boyce.

Ferry Height subdivision was approved in 2013, said Ms. Boyce. It is located right across from the ferry terminal, she said. There are five lots that share an access easement which varies in width from roughly 20 to 30 feet wide, she said. These lots were formulated under the Director's discretion portion of the code which is no longer relevant, she said. These lots all share the access and have an agreement for its maintenance, she noted. This is also called the "minimum rectangle provision", said Ms. Boyce. A lot can essentially be designed that has at least a minimum of 30 feet of frontage on a right-of-way but it has the appearance of the panhandle lot, she noted.

Thane Landing is located at the very end of Thane Road, said Ms. Boyce. This seven lot subdivision shares a driveway which is a 30 foot wide access, drainage and utility easement, she said. No more than two lots could be built upon until the road was improved to meet the Fire Department standards, added Ms. Boyce. This was another minimum rectangle Director's discretion subdivision, she added. They all have 30 feet of access on a publicly maintained right-of-way but they share access, said Ms. Boyce.

Dock Street off of Fritz Cove Road contains lots which share access onto Dock Street, said Ms. Boyce. They share frontage on a right-of-way which is not publicly maintained, she said. Their access to Dock Street is gained through other properties, said Ms. Boyce. These lots are zoned D-1, she said.

On Point Stephens Road in the Tee Harbor area lots created in the 1950's share a 60 foot wide easement with a 12 to 15 foot wide trail through the property, said Ms. Boyce.

All of the above properties are zoned residential, noted Ms. Boyce. She mentioned other properties which are zoned industrial such as nine lots on Sherwood Lane that share two easements. They all have frontage on a publicly maintained right-of-way but they do not use their frontage for the access, she noted.

The current language in the draft ordinance would limit development to only a single family home with an accessory apartment on lots with shared access, said Ms. Boyce. Unless approved prior to the code change existing properties would not be able to develop beyond the stipulations within the newly adopted ordinance, said Ms. Boyce. The Commission may want to consider adding language which states that parties with access approved prior to the date of the ordinance change are exempt from the new requirements, said Ms. Boyce. Ms. Boyce also provided other examples of Industrial zoned properties with shared access.

Ms. Boyce provided a chart for the Commission indicating different types of uses and the number of estimated trips generated per use on a weekday. For example, a single family detached home generates an estimated 9.52 Average Daily Trips (ADT's). A day care center is estimated to generate roughly 74 trips per day per 1,000 feet of floor area, said Ms. Boyce.



In the draft ordinance there is a limit of 50 average daily trips set as the upper limit for the shared access roads, said Ms. Boyce. This is for a single-family home with an accessory apartment per lot for three lots, she said.

The staff would like direction from the Commission on the number of lots and if this ordinance should be limited to just single-family zoned lots or if the Commission wanted to expand the zoning for shared access. If the zoning is expanded the Commission would need to decide if the uses should be limited, said Ms. Boyce.

Mr. Greene stated that if a day care center for example wanted to use a shared access it would need to come before the Commission in any case for a Conditional Use Permit.

Ms. Boyce responded that this would not always be the case. However, the current draft ordinance would limit shared access for only a single family home with an accessory apartment, she said, and single family zoned districts. Under this scenario, a day care would not be allowed, she said.

Ms. McKibben clarified that a child care home with fewer than eight children would be permitted outright in a single family home without a Conditional Use Permit.

*Murray Walsh*

Mr. Walsh stated that on one particular piece of property on North Douglas that was rezoned to D-18, it is very difficult to develop because of the topography and other considerations. One of the best things the community can do to alleviate the housing shortage is to produce inexpensive single-family housing on small lots. This is the gold standard of the real estate market, he said. This type of housing is in high demand, added Mr. Walsh. He said he was in favor of shared access for properties zoned D-18. A standard CBJ road now costs \$2,000 a linear foot, said Mr. Walsh. It would cost \$50,000 to provide the standard 50 foot frontage for a home, said Mr. Walsh. That is a huge cost to add to the cost of a home, he said, before construction of the home would even commence.

Mr. Walsh advocated a double tier frontage situation for the lots where two rows of homes would be constructed on either side of the standard street. This design would allow for less driveway access on to a City street. The cost of the street is also shared among more houses, he stated. This scenario could not be constructed under today's rules but it could become a reality if the City allowed shared driveway access, he said. The only change which would need to be made to the proposed ordinance would be the number of houses, said Mr. Walsh, upped to four homes sharing a driveway. This should be allowed outright, said Mr. Walsh. If it's a good idea then it's a good idea, he added.

Mr. Dye asked if in the double row situation all of the lots shared access to a common right-of-way.

Mr. Walsh said this addresses the issue of if there should be any lots which have no connection to the right-of-way. He said he was not personally in favor of this model. There ought to be some connection with the right-of-way, he said. Then if something goes wrong between the homeowners, he said, there is always that direct connection to the right-of-way.

Mr. Dye asked for clarification on what he called a panhandle ordinance and how it would relate to the proposed ordinance.

Ms. Boyce responded that if shared access situations continue to be allowed, that all lots have some type of frontage onto a publicly maintained right-of-way. While they may not use that frontage, she said, they share the access. A panhandle is the way to provide minimum frontage to that right-of-way, she said.

Mr. Dye asked if there would be a way to encourage the use of a panhandle rather than not having any access to a public right-of-way. He said he was trying to ask if there would be a way to make the ordinance more encompassing.

The panhandle section of the ordinance was withdrawn as it is viewed as a separate item, said Ms. Boyce. Following Mr. Walsh's scenario there would be four lots sharing access onto a right-of-way, said Ms. Boyce. If there were changes made to the panhandle section of the ordinance this model could be pursued, she said.

Chairman Haight said in the memo the allowable easement width is 40 feet with a reduction of 20 feet possible at the Director's discretion. In the memo the staff strongly recommends that the easement width be no less than 40 feet.

Mr. Peters asked the staff what the concern was with the easement reduction from 50 to 40 feet.

There is not a concern reducing the easement from 50 feet to 40 feet, said Ms. Boyce. The concern of the staff is further easement width reductions from 40 feet, she said. The CBJ Street Department has strong concerns about an easement width being less than 40 feet, said Ms. Boyce. If the road were to be taken over by the City it would need to comply with City standards which would be a width of 40 feet, she said.

Chairman Haight asked what criteria were used for the Director to make a decision on an easement width reduction.

Mr. Steedle said it would involve a consultation with the Director of Engineering and Public Works to ensure that the proposed easement could be properly maintained by City standards should that be implemented in the future as a publicly maintained right-of-way.

If they are looking at a situation involving four lots, said Chairman Haight, would that necessitate an easement being at least 40 feet in width since there was a low probability that only four homeowners could fund the construction.

For the four lot subdivision scenario, said Mr. Steedle, it would be very unlikely that the easement would be developed into a public right-of-way. However, he said, if there is land beyond that four lot subdivision, then it is not a clear-cut scenario. If the easement was too narrow for City standards and the development had already taken place then there could be problems, he said. That is why they are advocating a 40 foot minimum easement, he said.

Ms. Boyce said the ultimate long term goal would be for the CBJ to have interconnecting streets and neighborhoods.

Chairman Haight said the goal is for the City to be able to take over easements as a publicly maintained right-of-way when possible, but there are going to be situations where that is not going to be attainable. He said for those easements it seemed reasonable to him to allow them to be less than 40 feet in width.

Mr. Dye asked how this fit with the City's easement requirement of 60 feet in width for publicly maintained right of ways.

Ms. Boyce said with the Director's discretion the 60 foot easement requirement can be reduced to 40 feet for public streets.

Chairman Haight said he is in favor of maintaining the 50 foot width and allowing the Director to reduce it by 20 feet.

There was general concurrence by the Commission with Chairman Haight's suggestion.

Mr. Greene asked if 30 feet was the absolute minimum standard providing for utilities, drainage and City emergency vehicles.

Mr. Steedle said the width could be less than 30 feet but that what was under discussion was the possibility for future acceptance by the CBJ.

Mr. Peters pointed out that there are two versions of the table of roadway construction standards. The width of a private easement was changed and he said there was also a change going from "no" on paved roadway required to "yes". He asked if they should leave that as a requirement or if they should change it back to "no" since they were leaving the width at 50 feet.

Mr. Dye said they had requested that the road be paved at the last meeting regarding this proposed ordinance.

Chairman Haight said the draft ordinance limits private access easements to three lots and that this evening they had been discussing four lots. They would be at 50 Average Daily Trips with three lots, he said.

The Commission discussed potential additional zone uses other than single family residential with an accessory apartment extending through D-10 SF.

Mr. Greene asked how many more Average Daily Trips would be generated by a duplex as opposed to a single family residence with an accessory apartment.

Ms. Boyce said there is not a number stipulated for duplexes. She said it would be roughly twice the Average Daily Trips generated by a single family residence.

Chairman Haight said he has not noted any interest on the part of the Commission in extending private access easements higher than a single family dwelling with an accessory apartment through D-10 SF zoning.

Mr. Peters asked if there have been requests beyond the stipulations in the proposed ordinance.

Ms. Boyce said when this was originally discussed with the Subdivision Review Committee, that four lots had been discussed and recommended for single-family homes with an accessory apartment, not to exceed 70 Average Daily Trips.

In response to a question posed by Mr. Greene, Ms. McKibben responded that a duplex is not a single family home and generates more Average Daily Trips than a single family home with an accessory apartment. She added that a duplex cannot have an accessory apartment. She clarified that four lots with duplexes would not comply with the proposed ordinance before the Commission.

Mr. Greene asked if duplexes could also be allowed.

Ms. Boyce explained to the Commission if they wish to allowed duplexes that the lot would need to be wider and that each of those lots would then require the construction of more road to serve the larger lots.

Mr. Dye said he felt it was important to discuss hardship as a reason for a private easement as opposed to outright zoning. If the easement was allowed outright there was the potential for it to be used in different ways versus a hardship scenario, he said.

Chairman Haight said there are currently two allowances for shared access: if the right-of-way has limited access or if access would create a safety hazard. The third option discussed at the last meeting was the issue of topography, said Chairman Haight. Chairman Haight said if topography is considered as a distinguishing characteristic whether that was an element of a safety hazard or not. If so, he said, then they would need to decide if it would need to be separately identified.

Mr. Bell said he thought it should be separately identified.

Mr. Greene asked if there were grade restrictions.

Ms. Boyce responded that in the current draft and within the current CBJ standard that no road or driveway can exceed a 15 percent grade. The grade can only be exceeded if the Fire Marshal signs off on it, she added.

A good example of topography being a hardship would be the Olmo variance request which was before the Planning Commission several months ago, said Ms. McKibben. These lots could not receive access to Douglas Highway because the grade is too steep, she said. She said that is an example of topography being a hardship.

Since in that instance they could not get a DOT permit because of the grade it would then be a hardship issue rather than a topography issue, stated Mr. Dye.

They would not be able to get a driveway permit for each of those dwellings even if the topography difficulty was eliminated, said Ms. McKibben, since that portion of North Douglas Highway was limited access since the proposed dwellings were common wall dwellings. She clarified that limited access to North Douglas Highway could qualify as a hardship scenario.

Mr. Steedle said in the Olmo example both conditions applied; topography and hardship. If the lots would have been located on a different section of North Douglas then DOT would perhaps have had no qualms about issuing a permit, he said. He said he felt it would be helpful to divorce the two ideas.

Mr. Peters clarified that allowing an access outright did not eliminate the other conditions which needed to be met. He said he felt access easements should be able to be allowed outright as long as the other conditions could be met.

Mr. Bell concurred.

Chairman Haight said he would be in favor of increasing the number of lots to four, and increasing the ADT to 70. He said he would propose retaining the use and zoning restrictions to

Rural Reserve through D-10 SF. He said he also proposed that they allow outright use of shared access with no hardship or access limitations.

Mr. Greene asked why a duplex could not be allowed if the lot met the size stipulations for a duplex.

Chairman Haight said the key point for him was the amount of the Average Daily Trips. He said possibly the 70 ADT could be met if there were three lots with a duplex located on one of those lots.

Mr. Greene asked what the recommendations were of the Subdivision Review Committee.

Chairman Haight repeated for Mr. Greene that the recommendations of the Subdivision Review Committee were four lots with 70 ADT.

Mr. Dye said that for the record he was in favor of hardship as a reason for a private access easement.

Ms. Boyce summarized that the Commission stipulated that four lots be included with 70 Average Daily Trips as the maximum number of daily trips within the single family zoned districts with an outright allowable use. The Commission recommended a 50 foot width with a possible reduction at the Director's discretion to 30 feet, said Ms. Boyce.

#### B. Overview of the Capital Improvement Program, FY2017-2022

Mr. Healy told the Commission that the City and Borough of Juneau is required to prepare annually a Capital Improvement Program (CIP) with a budget. The draft is to be completed by April 5, he said. The charter requires that a public meeting on the CIP be held by May 1, and that by June 15, that the Assembly approves the CIP. If it makes no recommendations the recommendations of the City Manager will be followed and approved for the following year. The action taken by the Assembly is by resolution, said Mr. Healy.

The Planning Commission is required to review the Capital Improvement Program annually, said Mr. Healy. They have interpreted this sequence of events to take place between the April 5, date and the May 1, date, said Mr. Healy. This is a one year program with a six year projection, he said. The projects are categorized by sales tax allocations and other funding allocations, said Mr. Healy. Traditionally \$1 million has been identified every year out of the general sales tax for specified improvements, said Mr. Healy. The area wide sales tax priorities are one third of the 3% temporary sales tax, said Mr. Healy. This one percent of the three percent tax is to be used primarily for repairing and constructing streets, sidewalks, retaining walls, drainages and stairways as well as other capital projects.

The temporary one percent sales tax priority category is a list of projects approved in 2012, and is a specific list of projects amounting to about \$9 million-a-year for those projects identified in the voter information pamphlet, said Mr. Healy.

Much of the remainder of the CIP is dedicated funds, said Mr. Healy, such as the Water Enterprise Fund, the Wastewater Enterprise Fund and the Docks and Harbors Enterprise Fund. A lot of the funding is pretty well dedicated either by voters or through the intent language in the ballot, said Mr. Healy.

#### *Commission Comments and Questions*

Chairman Haight said it appeared the Planning Commission had two roles in the process: to provide its input on the current list of the priorities and to also suggest projects which may not be included in the CIP.

Funds not already identified would be the general sales tax coming in at about \$1 million and also the Planning Commission may have a special recommendation for projects within the Lands Fund, said Mr. Healy.

Their role as the Commission at this point is to carefully review the CIP keeping in mind its opinion about the order of the projects and possibly contributing input to projects not currently mentioned within the CIP, said Chairman Haight.

A good time to forward specific recommendations to the Assembly is when and if the Assembly decided to renew a one percent sales tax in 2018, said Mr. Healy.

Chairman Haight requested that the Commission be provided with the list it had drawn up of projects for the CIP at the next meeting. He said they could use this as a starting point.

Ms. McKibben asked if something such as requesting funding for the Lemon Creek Area Plan fit inside this framework.

Mr. Healy said he would probably place that under the general sales tax category as a request. If it was a small enough funding request it could possibly be categorized under the area wide sales tax fund, he said.

Mr. Peters said that while the Commission has drawn up a list of projects and priorities for the CIP the window of opportunity for submission of this into the CIP was missed last year. He asked at what point opportunities would be lost for submission to the CIP list for 2018. He said he would like to know when they should include this list so that they do not lose the opportunity for 2018. At approximately this time of year they send out a letter requesting that departments submit their request for the 2018 CIP. Within the next month or two would be the time to submit the list from the Commission, said Mr. Healy.

Chairman Haight said this topic should be brought up again at the next meeting.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT**

*The meeting was adjourned at 6:41 p.m.*

DRAFT



# Additional Materials

## Committee of the Whole

Assembly Chambers

5:00pm

Meeting Date: October 25, 2016

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1. CSP2016 0010:  
Memorandum from Juneau Commission on Sustainability

## Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: October 25, 2016

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1. AME2015 0012:  
Memorandum from Roger Healy, Director of Public Works and Engineering



## Juneau Commission on Sustainability

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**DATE:** October 25, 2016

**TO:** Planning Commission, Manager's Office

**FROM:** Juneau Commission on Sustainability

**RE:** Recommendations on FY17/18 Capital Improvement Program

As noted by the Juneau Commission on Sustainability (JCOS) in past years, the Capital Improvement Program (CIP) process does not adequately address energy costs or opportunities for savings from energy efficiency. It also often fails to address opportunities to implement the recommended actions in the 2010 Juneau Climate Action and Implementation Plan (a prioritized list of these actions is presented in the draft Juneau Community Energy Plan (JCEP)).

As far as we can determine, the CBJ does not have a system to comprehensively audit energy expenditure. Without such an overview, the task of reducing organizational energy use and reducing costs is far more challenging than it needs to be. Knowing how much CBJ spends on energy, including where, when, and how much is being spent, will help identify potential energy savings. Also, the process of collecting this data will allow us to track the success of our efforts as we implement the above plans. The Juneau School District has demonstrated that significant cost savings (\$500,000+ annually) are possible by systematically addressing energy use and efficiency in their facilities.

While we understand that energy costs and savings are often considered as Departments prepare their CIP requests, there is no transparency in this process. The public and the Assembly have no way to know what options for energy savings have been considered and then either incorporated or discarded into the CIP requests.

As recommended in previous years, each initial CIP request should include a description of the energy and greenhouse gas (GHG) implications of the project. A request should consider whether it would increase or decrease energy demand and costs or be consistent with energy policies of the Comprehensive Plan and the Juneau Climate Action and Implementation Plan. This analysis should be considered as part of the screening process prior to the 'short list' of projects being presented to the Assembly and be included in the project descriptions presented to the Assembly.

The following list is based on based on the 2017-2022 six year departmental project list and identifies the following:

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- i. Which proposals should be fully funded and some new projects that should be added and funded
- ii. Which proposed projects should incorporate sustainable design including energy efficiency and water conservation measures in both the project description and later design

Comments have also been made on how the current 2017 funded project list could/should be designed to realize opportunities to reduce energy use and water conservation.

It is noted that at this early stage of the 2018-2023 CIP process, JCOS has not seen new projects submitted by other CBJ departments/bodies. Additional comments may be made as more details of this list become available. JCOS would appreciate being alerted to the availability of this list.

JCOS would also appreciate comment from the Manager's Office or CBJ Engineering and Public Works department on how our recommendations could be best taken forward and what barriers they perceive to their full implementation.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Steve Behnke". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Behnke, Chair  
Juneau Commission on Sustainability

### **Comments on FY18 CBJ CIP Projects**

**Recommend full funding of these projects in current 2017-2022 project list:**

Proposed in existing CIP List:

- Manager's Office
  - Compost feasibility study
- Wastewater
  - Energy Efficiency Improvements

**Additional projects to be included future FY2018 – 2023 list and for funding in 2018 CIP:**

- Add Juneau-wide street lighting LED replacement to reduce CBJ energy costs
- Juneau-wide water conservation and efficiency program to reduce CBJ energy costs
- Full feasibility analysis and engineering alternatives for the of cost/benefit of shore power at public and private Cruise Ship berths
- Initiate transition to electric vehicles (EV) for CBJ vehicle fleet to save CBJ Transportation costs
- Initiate transition to electric CBJ buses to reduce CBJ bus operations, maintenance and life cycle costs
- Energy and Resource tracking software to save CBJ energy costs
- Install EV charging stations on streets that are on the Street Maintenance project lists to encourage EV adoption and save community transportation costs
- Install EV charging stations at new Valley Transit Center to encourage EV adoption and save community transportation costs

**Incorporate energy efficiency and water conservation in the design of following 2017-2022 projects:**

- Manager's Office
  - Vehicle and Equipment Wash Bays Planning and Design
  - Willoughby Arts Center
- Airport
  - Replace terminal building and east vestibule
- Bartlett Regional Hospital
  - Operating room renovation
  - Child and Adolescent Mental health Unit
- Eaglecrest
  - Mountain Operations - deferred maintenance
  - Night lighting
- Fire

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- Lemon Creek Fire Station Design
- Library
  - Replace Downtown Library Windows
  - Upgrade Douglas Library Meeting Room
- Parks & Rec
  - Deferred Building Maintenance
  - Centennial Hall
    - Meeting Room Renovation
    - Interior/Exterior Lighting
  - Augustus Brown
    - Major Renovations (Design)
  - Melvin Park Field Lighting Repairs include Energy Efficient Lighting system
  - Capital School Park Repairs and Safety Improvements
- Streets
  - Downtown Street Improvements (Front, Franklin, downtown core)
  - Calhoun Ave Improvements
- Wastewater
  - Area wide Water Repairs and replacements
  - Last Chance Basin Well Field upgrades
- Schools
  - School District Deferred Maintenance

**Encourage broader sustainable design (which may reduce CBJ capital and operational costs) for the following 2017-2022 projects:**

- Manager's Office
  - Vehicle and Equipment Wash Bays Planning and Design: low-impact products
  - Willoughby Arts Center
- Airport
  - Passenger Terminal Parking Lot rehab: improved public transit waiting area, covered bike parking/racks
  - Replace terminal building and east vestibule
- Fire
  - Lemon Creek Fire Station Design
- Bartlett Regional Hospital
  - Child and Adolescent Mental health Unit
- Docks and Harbors
  - Auke Bay Passenger For Hire Facility
- Visitor Kiosk

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- Archipelago Deck
- Land and Resources
  - Willoughby Parking
- Parks & Rec
  - Centennial Hall
    - Courtyard Landscaping and Hardscape: demonstration rain garden? Permeable pavement?
  - Arboretum Multi-Purpose Room
  - All projects
    - Encourage use of sustainable design (permeable pavement, rain capture, bike parking, energy conservation, etc.)
- Capital Transit
  - Bus Shelters/Interim Valley Transit Center: covered bike parking where needed and appropriate
  - Permanent Valley Transit Center
- Streets
  - Downtown Street Improvements (Front, Franklin, downtown core): covered bike parking
- Wastewater
  - SCADA: Monitor water use and energy consumption
  - Metering System Upgrades: Connect to real-time monitoring

### **Comments on FY17 CBJ CIP project descriptions**

#### Manager's office

- IT Software Upgrade: Possible to include energy and water tracking software or process?
- Vehicle & equipment wash bays planning and Design: Encourage that “environmentally friendly wash bays” are mentioned, but ensure that water and energy are conserved and pollution impacts are minimized.
- Willoughby Arts Center: Keep sustainability in mind from concept design to construction and operation of the finished building (including the feasibility evaluation of a recognized sustainable building assessment tool such as Living Building <http://living-future.org/lbc> or LEED).
- CBJ Facility Infrastructure Deferred Maintenance: Encourage that “exterior envelopes, energy system efficiencies, mechanical and electrical systems” are mentioned, but encourage focus on the deferred maintenance projects that will save money and reduce carbon footprint.
- Court Plaza Building Canopy: Possible insulation upgrade?

### Airport

- SREF match: Encourage life-cycle cost analysis of facility, as it is a “heated garage”.
- Passenger Terminal Parking Lot Repairs: Ensure lighting replacement is energy efficient, improve public transit stop (protected from rain and wind), possible bike parking?
- Main Stairwell Lighting Upgrade: “Reduce energy costs” mentioned.

### Hospital

- Operating Room Renovations: Ensure that energy efficiency is considered where possible and hygienic.
- Roof replacements: Add additional insulation?

### Docks and Harbors

- Aurora Harbor Rebuild: Metering to ensure that energy and water are not being wasted? Implement EV charging stations at Aurora Harbor.

### Eaglecrest

- Deferred Maintenance: Prioritize energy and resource conservation projects.
- Snowmaking and water line replacements: Prioritize this project as it can increase revenue (open earlier) while reducing energy costs.

### Parks & Rec

- Deferred building maintenance: Prioritize energy and resource conservation and efficiency projects.
- Augustus Brown Swimming Pool: Prioritize energy and resource conservation and efficiency projects.
- General: Prioritize energy and resource conservation and efficiency projects, add EV charging stations to swimming pools and recreation areas including Treadwell Arena.

### Capital Transit

- Bus Shelters/Valley Transit Center: Ensure that (covered) bicycle parking is provided where appropriate.

### Streets

- East St.: Energy conservation with street lighting.
- General: Encourage the replacement of all failing street lights with LED.

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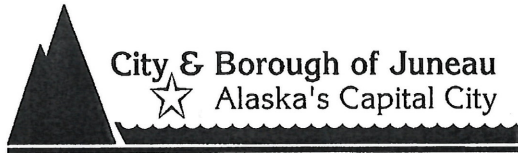
Wastewater

- SCADA system: Ensure resource efficiency and conservation monitoring is included.

School District

- Deferred Maintenance: Prioritize energy and resource conservation and efficiency projects.






City and Borough of Juneau  
Engineering and Public Works Department  
155 South Seward Street  
Juneau, Alaska 99801  
Telephone: 586-0800 Facsimile: 463-2606

DATE: October 24, 2016

TO: CBJ Planning Commission

FROM: Roger Healy PE, Director Public Works and Engineering 

RE: Comment regarding definition of "Grade (maximum grade for access)" in proposed changes to Title 49

The Engineering and Public Works Department requests the removal of the arbitrary 10 foot measurement interval inserted into the definition of "Grade (maximum grade for access)" in Section 14 (page 16).

Engineering practice defines grade, (slope, incline, gradient) as the elevation change over a horizontal distance and is typically expressed as a percentage. Maximum grades are defined by the end points (distance) at which span the highest and lowest elevation. Maximum grades (and all grades) should be identified within the Developer's plan and profile submittal (49.35.261 and 49.35.271 ).

The definition in this instance is directed to identifying the maximum grade allowed by The International Fire Code. Reading the appendix referring to maximum allowable road grade, there is no measurement interval specified. In review of other codes and entities specifically dealing with maximum grades (including AK DOT&PF, ADAAG, AASHTO, Bellevue, WA, Redmond, WA) there is no mention of a measurement interval required to measure the maximum grade.

Defining / codifying a measurement interval is not common in engineering practice and will lead to general problems, discrepancies, challenges and inconsistencies in adhering to the intent of the definition and may have other unintended consequences.

In summary, the ten foot measurement interval has been found to be overly prescriptive and does not allow for sound engineering judgement that is standard to the profession. The Fire Code already authorizes minor exceedances of the grade requirement. As a matter of practice, in consultation with the Fire Marshal, the Engineering Director may allow exceedances of the 10% grade. This practice ensures that public health and safety is protected.



# Community Development

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

**DATE:** October 19, 2016

**TO:** Planning Commission

*Laura A. Boyce*

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

**FILE NO.:** AME2015 0012

**PROPOSAL:** Text amendment of Title 49 concerning shared private access

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings, and re-zonings indicating compliance with the provisions of this title and the Comprehensive Plan. CBJ 49.75.410(a) also states that Assembly-initiated amendments are referred to the Commission for proceeding. The Commission shall hold a "... public hearing to consider whether it should recommend such amendment to the assembly." (CBJ 49.75.410(a))

## ATTACHMENTS

Attachment A - Proposed Ordinance 2016-26  
Attachment B - September 13, 2016 PC Committee of the Whole Meeting Memo Regarding Shared Access

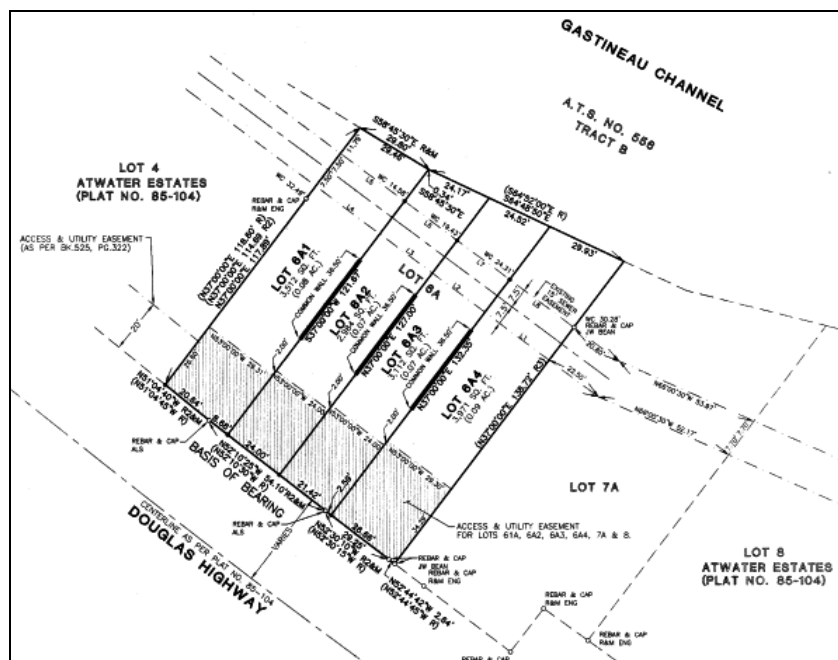
## PROPOSAL

If approved, the proposed ordinance would amend Title 49, the Land Use Code, to allow development flexibility for small subdivisions. This change would allow the Director of the Community Development Department (CDD) to approve the construction of a private access road in a private easement for subdivisions of no more than four lots in single-family zoned districts. This paved, 20-foot wide access would be in a fifty (50) foot wide easement, and lots could have frontage on the easement rather than on a public road. The private shared access would meet International Fire Code (IFC) standards and would be privately maintained by all owners in the subdivision; the City and Borough of Juneau (CBJ) would not be responsible for maintaining it. This option would allow the development of smaller subdivisions without the added cost of constructing and dedicating a street to meet CBJ street standards.

The Assembly, in July of 2015, directed staff to codify the existing practice of allowing shared access easements. It has been a long standing practice that staff has allowed, and in some cases

Since then, CDD staff has worked with the Law Department, the Fire Department, and the Engineering and Public Works Department, as well as with the Subdivision Review Committee (SRC) of the Planning Commission, to draft the proposed standards.

The requirement for lots to have access onto maintained rights-of-way exists for public safety purposes; safe and continued access to properties is of paramount importance for ambulance, fire, and police access. Current Title 49 subdivision requirements include that each lot must be designed to provide a minimum of 30 feet of frontage on a dedicated right-of-way. The Community Development Department's practice has been to approve shared driveway accesses when all of the lots have frontage on a maintained street, but access from each lot to the street was not practical or not allowed, such as by DOT&PF or by Land Use Code requirements. See Figure 1 for an example of this.



**Figure 1 – Atwater Estates Plat No. 2007-63, 7 lots share one access point (on Lot 4) from Douglas Highway**

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Past practice has been that when the minimum frontage requirements on a dedicated right-of-way were met for proposed lots, the physical access *from* the lots *to* the street might be *through* an easement on a neighboring property that also has frontage on the right-of-way. In some subdivision cases, the practical access to the maintained right-of-way is not the most direct access. In a number of these situations, variances have been applied for to seek relief from the requirement for direct physical access from each lot to the street. Variances can be sought for design requirements but not construction standards. The lot access and frontage requirements are currently located in the subdivision lot design section of Chapter 15 of Title 49.

CBJ staff met with the Subdivision Review Committee (SRC) of the Planning Commission on July 22, 2015 in order to discuss shared access driveways and solicit input as to whether this subdivision option should be continued. 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 otherwise be able to be subdivided. Also, many times in these cases the public safety and welfare is better served by providing alternate access. While direct and practical access from each lot to a dedicated street is ideal, it may not be practical due to site constraints such as topography or limited access points to the roadway. 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 this practice continued.

For these smaller subdivisions, dedicating right-of-way and constructing a street may not be financially feasible. 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 would not be provided. 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.

## **DISCUSSION**

In order to draft the private shared access concept, staff reviewed shared access variance requests and subdivision approvals for the past thirty years. On average, three to four lots were approved with shared access when all of the lots had frontage on a publicly maintained right-of-way. This is in alignment with the SRC's recommendation for shared access to be considered when subdivisions will not generate more than 70 average daily trips (ADT), which is approximate to four single-family lots with the addition of an accessory apartment for each lot. Single-family homes generate 9.52 ADT, while accessory apartments generate 6.65 ADT. Common wall dwelling units, in comparison, generate 6.81 ADT. Common wall subdivisions would be eligible for private shared access. The recently approved street construction standards are based upon average daily trips. Street standards are tied to the number of vehicle trips generated. When vehicle trips exceed a certain amount, additional street standards are

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required. While limiting the number of lots that share a driveway to four lots is simple to regulate, being consistent with the street standards based upon average daily trips makes sense as well. It is proposed that the Table of Street Construction Standards be amended to add this private road option for subdivisions generating 70 ADT or fewer.

The draft ordinance includes the following changes:

- Creates a new subdivision access option – Private Shared Access – that can be approved by the CDD Director.
- Moves the access standards from the subdivision design section in CBJ 49.15, the Permits Chapter, to CBJ 49.35, the Public Improvements Chapter, where construction standards are located. This results in access standards no longer being eligible for a variance.
- Moves the existing privately maintained access in a public right-of-way access option to Chapter 35. There are no other proposed changes to this existing concept.
- Proposes new or amended definitions for access point, grade, travel way, common driveway, roadway, and roadway width.

The Private Shared Access standard will have limited application and will be an option if the following are true:

- The subdivision is located in a single-family zoned district (RR, D-1, D-3, D-5, D-10SF),
- The private shared access will serve four (4) or fewer lots,
- The private shared access will serve 70 average daily trips (ADT) or fewer, and
- A single-family dwelling (attached or detached) and an accessory apartment are the only uses allowed.

The draft ordinance incorporates the guidance provided by the Planning Commission at the September 13, 2016 Committee of the Whole meeting, as well as at the October 27, 2015 and the July 12, 2016 Committee of the Whole meetings, as well as by the Subdivision Review Committee:

- **Easement Width:** The required easement width will be 50 feet but may be reduced by 20 feet, resulting in an easement no less than 30 feet in width. This change is reflected on Page 4 of the draft ordinance, beginning on Line 18, and Page 10, Line 11.
- **Zone Districts:** Shared access is only allowed in the single-family zone districts: Rural Reserve (RR), D-1, D-3, D-5, and D-10 SF (Residential Single-Family, 10 dwelling units per acre). This change is reflected on Page 8 of the draft ordinance, at Line 13.

- **Applicability:** Private shared access is available outright rather than as an exception; no hardships, such as topography, are needed in order to use this standard. This change is reflected in the draft ordinance on Page 6, beginning on Line 11, and Page 7, Lines 6 through 12, and Line 25.
- **Maximum Number of Lots:** No more than four lots resulting in a maximum of 70 average daily trips (ADT) may share a private access. This is reflected in the draft ordinance in the Table of Street Construction Standards on Page 4, Line 18, and Page 7, Line 10, and Page 8, Line 4.
- **Restricted Uses:** The uses are restricted to a single-family dwelling and an accessory apartment on each lot. This is reflected in the draft ordinance on Page 8, Line 11.
- **Surface Type and Width:** The shared easement surface type should be paved and a minimum of 20 feet in width. This is reflected in the draft ordinance in the Table of Street Construction Standards on Page 4.
- **Frontage Requirement:** Frontage on a publicly maintained right-of-way is not required. Only the first lot that provides the direct access to the publicly maintained right-of-way must have frontage; all remaining lots must have a minimum of 30 feet of frontage on the maintained private shared easement. This is reflected in the draft ordinance on Page 6, beginning on Line 10.
- **Street Grade:** The maximum grade of the shared access will be 10% as for other street types, although the Fire Marshall may, in some cases, approve the grade to a maximum of 14%.
- **Setbacks and Lot Area:** Although the easement will be included in the respective lots because it is privately owned, the lots will need to meet the underlying zone district minimum requirements exclusive of the easement area. In the event that the easement is further developed into a CBJ street and dedicated and accepted by the CBJ for maintenance, then the resulting lots would still meet the zone district requirements. This is reflected in the draft ordinance on Page 8, Line 20, and Page 10, Line 10.
- **Landlocked Parcels:** Private shared access is not allowed if it will create a landlocked parcel. Adjacent parcels not part of the subdivisions must have access to a publicly maintained right-of-way. This is in the draft ordinance on Page 8, Line 15.

Although discussed at the September 13<sup>th</sup> Planning Commission Committee of the Whole meeting, no action was taken regarding proposed language addressing previously approved access easements. The draft ordinance includes language beginning at Line 16 on Page 10 (CBJ 49.35.263(f)) that states:

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*"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, including an accessory apartment if otherwise allowed, and any previously approved development permit. All other development shall be prohibited unless consistent with this division."*

Instead of this, staff recommends replacing the above language with the following, which is shown on Line 21-22:

**"Shared accesses approved prior to adoption of this ordinance are exempt from these requirements."**

There are a number of previously approved shared access easements in many different zone districts. A number of the lots served by these easements do not yet have approved building permits. Some of these are in multifamily zoned districts as well as in the Industrial zone (I). If building permits are not approved at the time of this ordinance's adoption, the only development that may occur would be a single-family dwelling and an accessory apartment. This is especially problematic for the Industrial zone, for instance. The only residential use allowed in the Industrial zone district is a caretaker unit which is accessory to the primary industrial use. Staff recommends that draft CBJ 49.35.263(f) be changed to allow these previously approved lots to develop as intended.

The following are considerations in support of the private shared access concept:

- Street construction for smaller subdivisions may be cost-prohibitive and may not result in affordable housing. The private shared access option may facilitate smaller subdivisions because a fully constructed street would not be required.
- Private shared access would help further the goal of providing in-fill housing within the Urban Service Boundary.
- The CBJ will not incur the additional cost and burden of maintaining these private roads; the owners will be responsible.
- Because all owners will be required to enter into a recorded maintenance and access agreement, conventional loans will be available for purchase for these types of homes. Conventional financing is difficult to obtain when a home does not have frontage onto a maintained road.

The following are considerations against this concept:

- Since frontage on the public right-of-way is not proposed as a necessary requirement with this proposed concept, should the shared access situation fail, potential access will not be available directly to the publicly maintained right-of-way.

- Owners of the lots along the shared private access may have an expectation of future CBJ services.
- The concept could be a hindrance to the goal of providing a connected street network.
- Allowing shared driveways may limit future redevelopment of these parcels due to the “substandard” road. In order for these parcels to develop further, a CBJ street would need to be constructed, dedicated, and accepted for maintenance.
- Use is limited to a single-family dwelling and an accessory apartment only. Other uses that may be allowed in the zone district, such as child care facilities, would not be allowed.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The following discussions, policies, and objectives in the 2013 Comprehensive Plan are relevant to the amendment to allow for private shared access for small subdivisions:

#### **From COMPREHENSIVE PLAN VISION AND GUIDING PRINCIPLES (Page 2):**

*The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

*To achieve this vision, the CBJ followed these principles in formulating its Comprehensive Plan:*

- ***A safe place to raise a family.*** Maintain safe neighborhoods and circulation systems; provide public spaces and facilities that foster community interaction and cohesiveness.
- ***Quality education from Pre-school to University levels.*** Promote quality educational programs and experiences in the schools and lifelong learning for our residents as well as a healthy lifestyle with adequate recreational facilities, resources and programs. Support a vital arts community, celebrating our diverse cultural heritage and unique historic resources.
- ***A balanced economy.*** Ensure a balanced, sustainable and diverse economy, actively encouraging employment opportunities for residents of all levels and ages that provide a livable wage and a dependable municipal tax base.



- **Natural resources.** *Highlight and protect our scenic beauty, protect our streams and fish and wildlife habitat and foster the sustainable use of our natural resources.*
- **A balanced community.** *Ensure a balance between natural resource protection and the built environment, the efficient provision of infrastructure and goods and services, and housing affordable to all income levels.*
- **Neighborhood livability and housing.** *Maintain the identity and vitality of our neighborhoods, actively pursuing affordable housing for a diversity of households while promoting compatible livability and high quality design in new buildings.*
- **Mobility.** *Provide an accessible, convenient and affordable transportation system that integrates vehicle, vessel, rail and aircraft transport with sustainable and innovative transportation options— including convenient and fast public transit service, particularly for commuters to work, and bicycle and pedestrian networks throughout the community.*
- **Involved citizenry.** *Solicit resident participation and leadership in implementing the Plan policies and actions from all sectors of the community, encouraging mutual understanding and cooperation among all.*

**From CHAPTER 3 – COMMUNITY FORM:**

*(Page 14) New development within the 20-year planning horizon of this Plan should occur as in-fill development on vacant or underutilized parcels within the Urban Service Area. In the future, new development could occur as new towns or satellite communities in the Echo Cove and West Douglas New Growth Areas designated in this Plan.*

*Compact “In Fill” Development Within the Urban Service Area: This Plan designates an approximately 23.9 square mile area within the urban and suburban areas of the City and Borough of Juneau boundaries as an Urban Service Area, within which water, sewer, access roads and other community services are provided or will be in the near future. Providing community services to this compact area is efficient and convenient for users. There are over 100 vacant parcels within the Urban Service Area boundary (USAB) of which from 30 to 60 can be deemed vacant buildable parcels, ranging in size from 1 to 150 acres. Buildable land is considered to be vacant or underused land that is relatively flat and dry; that is, with slopes of less than 18 percent and without high value (Class A and B) wetlands.*

*Land within the USAB should be efficiently developed before its boundaries are extended to properties outside of the USAB. An efficient development would build to*

*the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Buildable lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service.*

**POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.**

**POLICY 3.2 TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.**

***Standard Operating Procedures***

*3.2 – SOP1 As part of an orderly update of the Comprehensive Plan, the CBJ government reviews and maintains an Urban Service Area boundary that defines the limits within which the full range of urban services, such as water and sewer, will be provided by the CBJ government. Such services should not be provided outside the Urban Service Area. After a thorough review of buildable land within the Urban Service Area, the CBJ government may seek to extend the Urban Service Area boundary to provide adequate land for compact development at a minimum residential density of 10 units per gross acre.*

**From CHAPTER 8 – TRANSPORTATION CHAPTER:**

As cited in the Transportation Chapter, below is No. 3 of the Area Wide Transportation Plan's (AWTP) top six priorities:

*Develop Local Street Connections/Access Management. The AWTP seeks to develop local street connections between subdivisions and adjacent local or collector streets to maximize connectivity and minimize local vehicle trips on principal roadways. Where feasible, connect streets for pedestrian, bicycle and vehicle use. Improve connections from neighborhoods to a regional (interconnected Borough-wide) non-motorized trail system.*

**POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.**

***Development Guidelines***

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

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

**From CHAPTER 10 – LAND USE CHAPTER:**

**POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.**

**POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.**

**POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.**

***Standard Operating Procedures***

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

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

*10.5 - SOP3 Amend the Land Use Code to allow appropriate urban densities in areas served by community sewer and water systems, being cognizant of the desire to maintain the rural, suburban or urban character of the existing surrounding neighborhoods.*

**From CHAPTER 12 – PUBLIC AND PRIVATE UTILITIES AND FACILITIES:**

***POLICY 12.9. TO REQUIRE IMPROVEMENTS TO RIGHTS-OF-WAY TO MEET MINIMUM STANDARDS FOR PUBLIC SAFETY AND MAINTENANCE, AND TO ENSURE THAT EXISTING RIGHTS-OF-WAY ARE MAINTAINED AND PROTECTED FROM ENCROACHMENT SO AS TO FACILITATE THEIR USE IN PROVIDING ACCESS AND THE PROVISION OF URBAN SERVICES.***

**From CHAPTER 13 – COMMUNITY SERVICES:**

***POLICY 13.2. TO PROVIDE ADEQUATE AND EFFICIENT FIRE PROTECTION AND FIELD EMERGENCY MEDICAL CARE FOR ALL. IT IS FURTHER THE POLICY OF THE CBJ TO MAINTAIN AN INCIDENT RESPONSE ORGANIZATION TO EFFECTIVELY RESPOND TO LARGE-SCALE EVENTS AND DISASTERS.***

Discussion

While the 2013 Comprehensive Plan does not speak directly to private roads, as highlighted in the above cited chapters the discussion and policies speak to promoting in-fill development and providing a variety of development options that create safe and livable neighborhoods. Policies speak to a balance of services and private/public partnerships to attain the overall goal of development flexibility to provide housing. The proposed amendment has been drafted to ensure that the private access road will meet International Fire Code standard minimums and that all owners share in its maintenance, achieving our adopted health, safety, and welfare minimum standards. The amendment, if approved, will provide a development option for smaller, infill parcels that are more difficult to develop. The proposed amendment balances the varied Comprehensive Plan policies and is consistent with the overall vision.

**COMPLIANCE WITH CBJ LAND USE CODE, TITLE 49**

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

1. *To achieve the goals and objectives, and implement the policies of the Juneau comprehensive plan, and coastal management program;*

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

This amendment has been drafted keeping in mind these intent statements. If it is approved, then it will be found to be consistent with the above purposes, especially Nos. 2, 3, 4, and 6.

CBJ 49.35.210 states that the general purpose of subdivision street systems “shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

- (1) *The street system shall provide for connecting streets into adjoining un-subdivided lands.*
- (2) *Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets ..., to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.*
- (3) *Traffic calming should be taken into account in street layout and design.”*

#### Discussion

Title 49 requires a connecting street system within the CBJ. The private shared access option is similar to private developments, such as multifamily developments or planned unit developments that share access. These types of developments are considered consistent with Title 49. These private shared accesses and driveways are connected to the street system but do not have connections through them, in many cases. Private shared accesses would not be allowed if it would land lock another parcel thereby prohibiting future development. Street connectivity requirements would not be hindered with the amendment as proposed.

The proposed private shared access concept is similar to the existing Privately Maintained Access in Public Right-of-Way (PMA) in that it is privately maintained by all owners of properties along the access, but it is located within a public right-of-way. It should be noted that the PMA is only an option for subdivisions located outside of the Urban Service Boundary. If the private shared access is approved, it would be an option borough-wide.

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Because of the above cited examples of alternative access, the private shared access amendment does not create any internal inconsistencies within Title 49.

### **FINDINGS**

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan, as well as with Title 49. Additionally, this change would not create any internal inconsistencies within any plans or Codes.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review and consider the proposed ordinance and staff's suggested amendments and forward a recommendation for approval to the Assembly.

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 ~~Section~~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 ~~Section~~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 allow the potential ~~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 Width<sup>ii</sup></i>	<i>Paved Roadway Required</i>	<i>Publicly maintained</i>
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft. <u>Public ROW<sup>ii</sup></u>	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft. <u>Public ROW<sup>ii</sup></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<sup>ii</sup></u>	Yes	Yes
0 to 211	No	Not required	20 ft. <sup>i</sup>	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROW<sup>ii</sup></u>	No, if outside the urban service area <sup>iii</sup>	No
<u>0 to 50</u> <u>70</u>	<u>No</u>	<u>Not required</u>	<u>20 ft. <sup>i</sup></u>	<u>No</u>	<u>45-50 ft. private easement</u>	<u>No<sup>iii</sup>Yes</u>	<u>No</u>

Notes:

<sup>i</sup> Or as required by the Fire Code at CBJ 19.10.

<sup>ii</sup> ROW width may be reduced as prescribed at CBJ. 49.35.240.

~~<sup>iii</sup> 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~~  
13 private access is approved. A lot without frontage on a right-of-way is required to be served  
14 by a shared access as provided by CBJ 49.35, Article II, Division 1. All lots served by a  
15 shared access shall have 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~~ Shared access serving ~~three~~ four 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~~ four 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~~70 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 having vehicular access to~~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 240 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, including an accessory apartment if otherwise allowed, and any previously approved development permit. All other development shall be prohibited unless consistent with this division.

(-) Shared accesses approved prior to adoption of this ordinance are exempt from these requirements.

**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;

1  
2 (2) The grantee acknowledges that the City and Borough is not obligated to provide  
3 any maintenance, including snow removal, for the privately maintained access. The  
4 grantee is required to arrange for year-round reasonable maintenance for the privately  
5 maintained access, including snow removal, sufficient to meet weather conditions and to  
6 allow for safe vehicular traffic;

7  
8 (3) The grantee and the grantee's heirs, successors, and assigns will defend,  
9 indemnify, and hold harmless the City and Borough from any claim or action for any  
10 injury, loss, or damage suffered by any person arising from the location, design,  
11 maintenance, or use of the privately maintained access;

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

14 (5) The City and Borough will have unimpeded access in the right-of-way.

15 (6) The grantee is required to arrange for maintenance of the right-of-way. The  
16 grantee and the grantee's heirs, successors, and assigns will maintain the privately  
17 maintained access road and public right-of-way according to the conditions established in  
18 this agreement;

19  
20 (7) The City and Borough will record a copy of the agreement, at the grantee's  
21 expense, with the state recorder's office for each lot or parcel of land either, in the case of  
22 existing lots, those adjoining the segment of right-of-way in which the privately  
23 maintained access is to be located; or, in the case of lots created by subdivision and served  
24 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

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

**DATE:** September 8, 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

At the Planning Commission's Committee of the Whole (COW) meeting on July 12, 2016, CDD staff presented proposed changes to Title 49 regarding private shared access road requirements. In the July 12<sup>th</sup> memo (see Attachment B), staff detailed the proposed changes as well as outlined policy implications and sought direction from the Planning Commission.

Based upon discussion and direction from the Planning Commission at its July 12<sup>th</sup> meeting, the following changes were made to the proposed ordinance:

## **Surface Type**

The shared access surface type is proposed to be a paved surface instead of being unpaved. Discussion regarding surface type included the point that potential neighbor disputes regarding maintenance may be allayed by having a paved surface which requires less long-term, ongoing maintenance.

## **Public Improvements - Future Extension Potential**

Based upon discussion at the COW July 12<sup>th</sup> meeting, the draft ordinance has been revised to state that public improvements must be designed and constructed to allow *for the potential* for future extension. This makes the distinction that future extension is a possibility rather than a requirement. The change is included on Page 3 of the ordinance.

## **Easement Width**

Based upon direction from the Planning Commission, in the proposed draft the required easement width was reduced from 50 feet to 40 feet. Also, the easement width reduction amount was changed from 10 feet to 20 feet. This means that with an approved reduction by the director, the easement width may be as narrow as 20 feet. However, staff strongly recommends that the easement width be no less than 40 feet. This minimum width ensures



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that if the easement were to be improved to CBJ standards and accepted for maintenance in the future, there is enough width to accommodate needed right-of-way improvements.

*Staff recommends the width be 50 feet wide initially and may be reduced by no more than 10 feet which would result in a 40 foot easement. Staff asks the Planning Commission to reconsider the easement width.*

The following components of the ordinance were discussed, but no consensus was reached; therefore, no changes were made to the draft ordinance regarding these items. Staff seeks input on the following:

#### **Number of Lots**

Four lots were discussed as the maximum number of parcels to share an access, but consensus was not reached. The draft ordinance remains with the original three lots as proposed by staff. If the Planning Commission wishes to increase this to four or more lots, we will amend the draft ordinance accordingly.

#### **Use and Zone District Limitations**

Should uses be limited to residential uses only? On lots using private shared access, the draft ordinance limits uses to a single family home and an accessory apartment. No other uses would be allowed. In order to limit these uses, staff proposes that only single-family zone districts be allowed to share access (RR, D-1, D-3, D-5, and D-10SF).

While discussion ensued regarding additional zone districts being included as eligible for shared access, no consensus was reached. Also, should the uses be limited? Staff seeks input from the Planning Commission regarding this question.

#### **Hardship or Allowed Outright**

The draft ordinance allows for private shared access when either an access point to a publicly maintained right-of-way is limited or when access would create a safety hazard, as determined by the director. At the July 12<sup>th</sup>, 2016 Committee of the Whole meeting, the Planning Commission discussed adding a third factor for consideration - difficult topography - but no consensus was reached and so the ordinance was not changed.

Applying “difficult topography” as a standard is challenging to regulate. When we reference difficult topography as a standard for consideration, it seems we really are talking about the development costs involved to construct access. The director cannot base a decision on whether or not the applicant has the ability to pay for the improvements. Additionally, all access, whether private or public, may not exceed 15% grade. If the topography conditions limit meeting this standard, then subdivision may not be an option for those properties since construction of the easement or the road wouldn’t be possible. According to the discussion at

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the meeting, the Planning Commission would like more flexible options for development. Staff recommends considering whether the will is to allow private shared access outright for all small subdivisions. If so, then remove the limitation factors and allow private shared access as an additional development option for smaller subdivisions.

*Due to the difficulty of applying a topography standard, if the will of the Planning Commission is to allow private shared access as an allowable option for all small subdivisions, then staff recommends amending the draft ordinance to allow them outright.*

**Attachments**

Attachment A: Revised Proposed Ordinance

Attachment B: July 12, 2016 Meeting Materials including staff memo and draft ordinance

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.

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**Section 5. Amendment of ~~Section~~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 ~~Section~~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**

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**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 allow the potential 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.

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**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><del>ROW</del> Width<sup>ii</sup></i>	<i>Paved Roadway Required</i>	<i>Publicly maintained</i>
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft. <u>Public ROW<sup>ii</sup></u>	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft. <u>Public ROW<sup>ii</sup></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<sup>ii</sup></u>	Yes	Yes
0 to 211	No	Not required	20 ft. <sup>i</sup>	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROW<sup>ii</sup></u>	No, if outside the urban service area <sup>iii</sup>	No
<u>0 to 50</u>	<u>No</u>	<u>Not required</u>	<u>20 ft. <sup>i</sup></u>	<u>No</u>	<u><del>45</del>0 ft. private easement</u>	<u><del>No</del><sup>iii</sup>Yes</u>	<u>No</u>

Notes:

<sup>i</sup> Or as required by the Fire Code at CBJ 19.10.

<sup>ii</sup> ROW width may be reduced as prescribed at CBJ. 49.35.240.

~~<sup>iii</sup> 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.~~

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**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.

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

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

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

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

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

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**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.

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(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

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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 having vehicular access to accessing the public street except through the shared access.

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**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 240 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, including an accessory apartment if otherwise allowed, 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

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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

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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;

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(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

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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

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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.

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**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.~~

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**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

DRAFT

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# Community Development

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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.

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- 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;

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- 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;

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**Attachment B: 9/13/16 COW Memo**

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- 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

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- 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

**Attachment B**



Planning Commission  
File No.: AME2015 0012  
July 12, 2016  
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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?

Attachment B

Attachment B: 9/13/16 COW Memo

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.

**Attachment B**

**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**

**Attachment B**

**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.

**Attachment B**

**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 Width<sup>ii</sup></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. <sup>i</sup>	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROW</u>	No, if outside the urban service area <sup>iii</sup>	No
<u>0 to 50</u>	<u>No</u>	<u>Not required</u>	<u>20 ft. <sup>i</sup></u>	<u>No</u>	<u>50 ft. private easement</u>	<u>No<sup>iii</sup></u>	<u>No</u>

Notes:

<sup>i</sup> Or as required by the Fire Code at CBJ 19.10.

<sup>ii</sup> ROW width may be reduced as prescribed at CBJ. 49.35.240.

<sup>iii</sup> 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.~~

**Attachment B**

**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.

**Attachment B**

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

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

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

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

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

## Attachment B

**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.

**Attachment B**



(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

## Attachment B

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.

## Attachment B

**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

**Attachment B**

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

**Attachment B**

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;

## Attachment B

(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

## Attachment B

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

**Attachment B**

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.

**Attachment B**



**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.~~

Attachment B

**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

DRAFT

Attachment B



# Community Development

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

**DATE:** September 16, 2016

**TO:** Title 49 Committee

**FROM:** Jill Maclean  
 Senior Planner

**VOICE** (907) 586-0756  
**FAX** (907) 586-4529

**CC:** Beth McKibben, Planning Manager  
 Rob Steedle, Director of Community Development

**SUBJECT:** Proposed Changes to CBJ 49.40 Parking & Traffic – Reduction in Parking in Downtown Douglas (AME2016 0013)

Staff was directed by the Assembly to review parking requirements in downtown Douglas, and the possibility of creating a parking overlay district similar to the Parking District 1 (PD1) and Parking District 2 (PD2) in downtown Juneau. This action was spurred by the desire of a property owner to lease and operate a convenience store. The property under the current code is required to have five off-street parking spaces—three for the convenience store, and one for each of the two apartments located in the same building.

In an effort to update Title 49 specifically for parking requirements in the downtown Douglas area, staff reviewed the Comprehensive Plan, zoning in the area, Table of Minimum Parking Standards (TMP) and the Table of Permissible Uses (TPU), identifying areas in need of updating due to lack of off-street parking availability in the neighborhood.

A neighborhood meeting was held on September 6, 2016 in the Douglas Public Library. Approximately 25 residents/property owners attended, not including representatives from the Community Development Department and Alaska Department of Transportation and Public Facilities (see Attachment A). Attached are the meeting notes and PowerPoint presentation for your review and information (see Attachments B and C).

Staff presented the proposal of a parking district similar to those located in downtown Juneau (see Attachment C), with a 50% reduction in parking. After discussion and questions a member of the public suggested reductions on a case-by-case basis rather than a district. This proposal was unanimously supported by those present. Another suggestion from the public, which was supported by most, was that single-family dwellings should be excluded from the reduction.

Title 49 Committee  
Proposed Changes to CBJ 49.40 Parking & Traffic  
Reduction in Parking in Downtown Douglas  
Case No.: AME2016 0013  
September 16, 2016  
Page 2 of 3

Staff has outlined several options (see table below) and their potential effects for reducing parking requirements in the downtown Douglas area. There are several items of note that should be considered:

1. Parking districts are not appealable—it is a blanket reduction of the standard parking requirements without regard to any unique aspects of use or location;
2. Waivers run with the use AND the property—creating greater flexibility, responsiveness to need, and potentially lessening impacts to the surrounding area;
3. In developing a waiver mechanism, the ordinance could state that certain conditions must be met. For example, if the property has the ability to provide parking, then parking must be provided; if the reduction of parking serves a public benefit such as economic development; or if the inability to provide parking is hindering redevelopment; and
4. Waivers are appealable.

Please let me know if you have any questions.

Thank you.

	Public Process	Appealable?	Pros	Cons
Parking District	No	No	1. Speediest reduction allowed by-right regardless of use (unless specifically excluded in the ordinance).	1. Automatic reduction for the % approved for the district which may not be enough.  2. Reduction may not be appropriate for uses with heavier impacts to the neighborhood.  3. There is no appeal process.
Waivers by Planning Commission	Yes	Yes – to the Assembly	1. Allows for public input through a public hearing process.  2. Waivers run with the location AND the use, unlike a variance, which runs with the property.  3. Ordinance could provide criteria that must be met in order to grant a reduction.  4. Allows for greater flexibility given the needs of the property and use.	1. The timeframe is the longest of the three proposals due to public hearing process.  2. Not by-right.  3. Uncertainty.
Waivers by Director Discretion	No	Yes – to the Planning Commission;	1. Allows for efficient processing of reduction requests; could require applicant to provide evidence of neighbors support similar to De Minimis Variances process [CBJ 49.20.250 (C)]. To be clear, <u>a waiver is not variance</u> .  2. Could provide a process for neighbors to participate by voicing support via letters with the application OR concerns if they choose to appeal.  3. Waivers run with the location AND the use, unlike a variance, which runs with the property.  4. Ordinance could provide criteria that must be met in order to grant a reduction.  5. Allows for greater flexibility given the needs of the property and use.	1. Not by-right.  2. Uncertainty.

**NEIGHBORHOOD MEETING - DOUGLAS PARKING - SEPTEMBER 6, 2016**

[illegible]

Douglas Parking Public Meeting – 9/6/2016  
6pm Douglas Library

CDD Staff proposed a 50% parking requirement reduction in a Douglas parking overlay district.

AKDOT staff mentioned that if a parking district overlay were implemented they may consider restricting on street parking to one side of Third Street every other day for snow removal in the winter months.

The public asked where people would park their cars if parking on Third were reduced in half in the winter. They commented that people park there because they have nowhere else to park.

Joyce (last name?) 1214 1<sup>st</sup> Street – asked how the Douglas parking became a big issue. Kristin Cadagan replied that it became an issue when she tried to open a convenience store and the store couldn't operate because it couldn't meet the parking requirement. She looked for auxiliary parking, but there was none available. She stated that Douglas can't develop since most sites cannot meet their parking requirement.

Tom Gilson 314 C Street – Before Douglas was part of the Borough there were no parking requirements. There are now a lot of nonconforming houses that do not provide off street parking.

Bill Janes commented that people do not pay attention to parking restrictions and the CBJ should turn the other way so the convenience store can operate. The regulations should be bent to what works for Douglas.

Robert Gintilly asked that whatever is adopted, he would like the Waterfront Industrial land to be included.

Brad Curee owner of Treadwell Place (4-plex) supports anything that can help businesses open in Douglas. Does not support winter parking restrictions. Does not want to see regulations that solve one problem and cause others. He also inquired whether the City had looked for land to lease out for parking

Arnold Liebelt supports reductions that foster businesses but is cautious about reductions for D-18 or residential dwellings in general. He suggested a parking waiver that relies on public comment on a case by case basis. 4 ways were heard in the crowd.

One member of the public wanted to see the reduction expanded to 80%

Several members stated they didn't think the proposed overlay was solving the problem and felt the waiver fit the community best.

Heidi Olson supports waiver for commercial but not residential

Laura Boyce explained to the crowd that if a waiver was adopted it would be approved by the Board of Adjustment.

One member asked how often the parking lot behind the library is full and if an agreement could be made.

Richard Bolon asked how many people present parked on the street. Approximately half the crowd raised their hand.

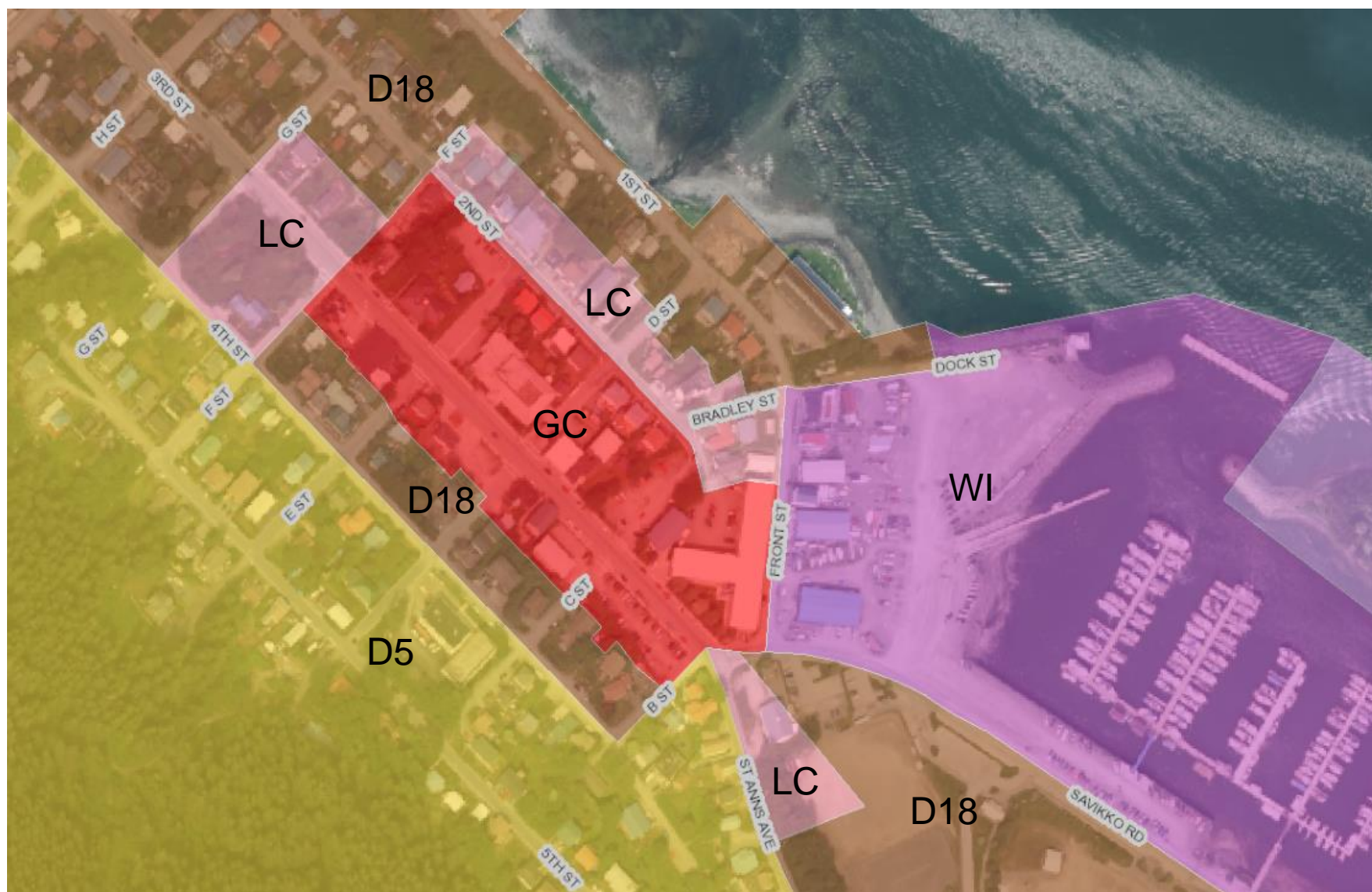
Overall group was frustrated there was a faster solution for the convenience store operators.



## AME2016-0013 Proposed Douglas Parking District

**Neighborhood Meeting**  
September 6, 2016

# Area Zoning

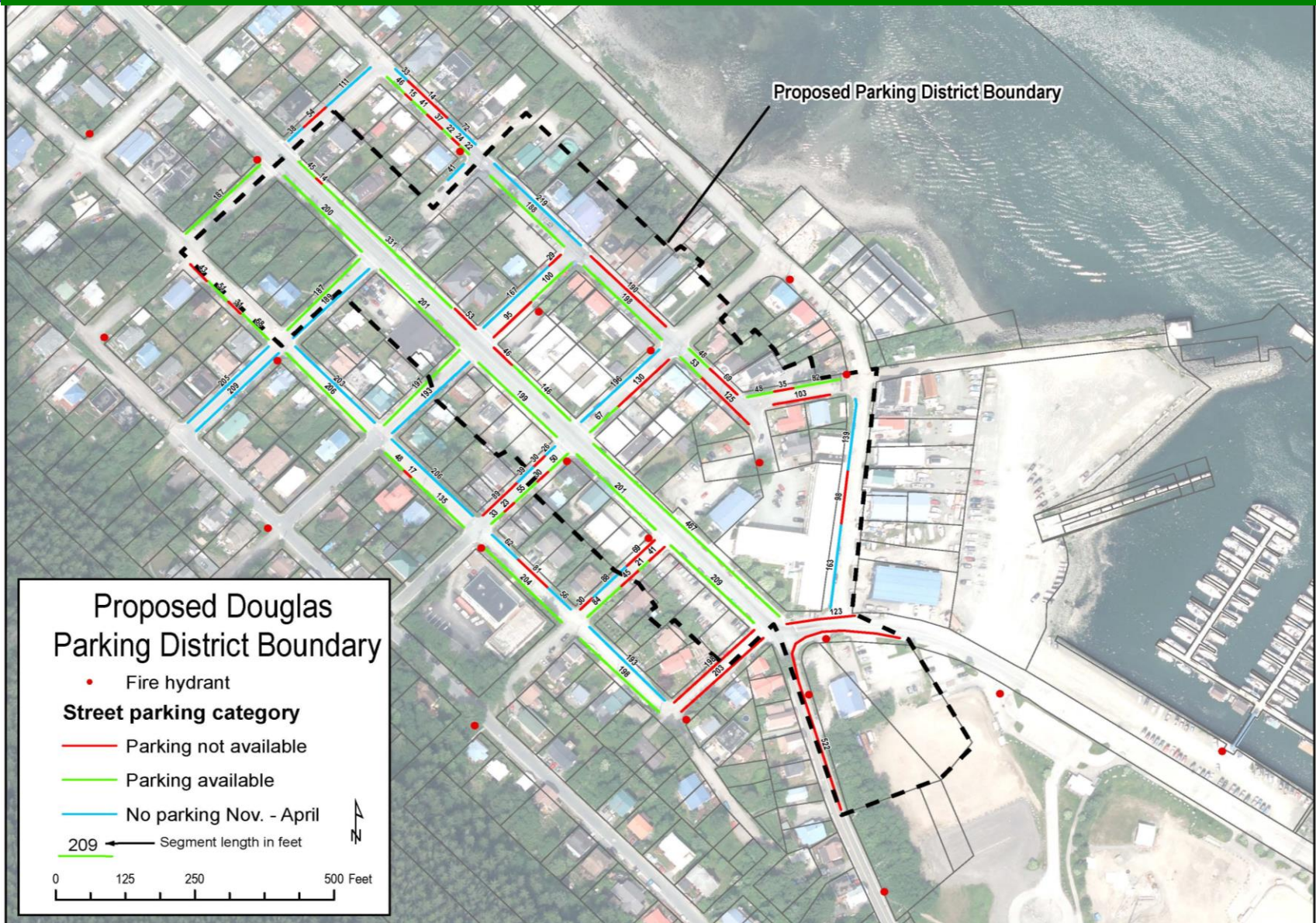


# Uses & Current Parking Requirements

ZONING	ZONING DISTRICT DESCRIPTION	LAND USE EXAMPLES	CURRENT PARKING REQUIREMENTS
D18	Mid-rise type residential; intended to accommodate multi-family development of 18 dwelling units per acre	Single-family, Multi-family dwellings; Child-care; Home occupations; Light manufacturing	<u>Single-family/duplex</u> – 2 per dwelling;  <u>Multi-family</u> – 1 per 1 bedroom; 1.5/2 bedroom; 2 per 3 or 4 bedroom
Light Commercial (LC)	Intended to accommodate commercial development that is less intensive than general commercial; most use are allowed in GC, but in LC require a Conditional Use Permit; residential use is allowed	Single-family, Multi-family dwellings; Child-care; Sales & rental goods; Professional offices; Light manufacturing; Health care clinics; Dry cleaners	<u>Child-care</u> – 1per employee plus 1 per every 10 children; <u>Bank/offices</u> – 1 per 300 sq. ft. of gross floor area; <u>Brewery</u> – 1 per 200 sq. ft. of gross floor area
General Commercial (GC)	Intended to accommodate most commercial uses; residential use is allowed	Single-family, Multi-family dwellings; Sales & rental goods, merchandise, equipment; Laboratory, research uses; Restaurants	<u>Convenience store</u> – 1 per 250 sq. ft. of gross floor area; <u>Repair/service station</u> – 5 spaces per bay; <u>Restaurant</u> – 1 per 200 sq. ft. of gross floor area

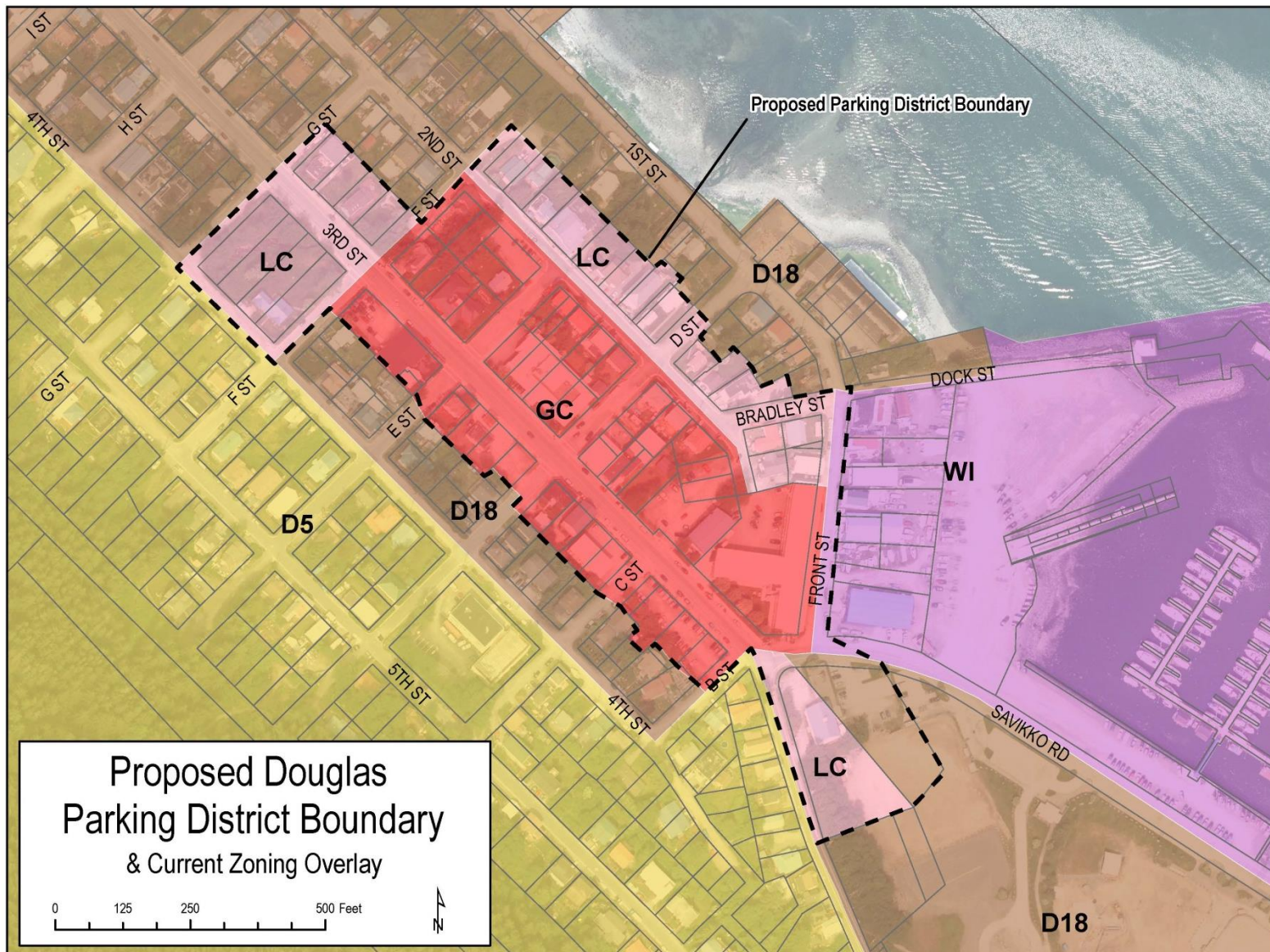


# Current Available On-Street Parking





# Proposed District



# Uses & Current Parking Requirements

ZONING	ZONING DISTRICT DESCRIPTION	LAND USE EXAMPLES	CURRENT PARKING REQUIREMENTS	PROPOSED PARKING REQUIREMENTS
D18	Mid-rise type residential; intended to accommodate multi-family development of 18 dwelling units per acre	Single-family, Multi-family dwellings; Child-care; Home occupations; Light manufacturing	<u>Single-family</u> – 2/dwelling; <u>Multi-family</u> – 1/1 bedroom; 1.5/2 bedroom; 2/3 Or 4 bedroom	<b>Reduce by 50%</b>  <b>All Uses?</b>
Light Commercial (LC)	Intended to accommodate commercial development that is less intensive than general commercial; most are allowed in GC, but in LC require a Conditional Use Permit; residential use is allowed	Single-family, Multi-family dwellings; Child-care; Sales & rental goods; Professional offices; Light manufacturing; Health care clinics; Dry cleaners	<u>Child-care</u> – 1/employee plus 1/every 10 children; <u>Brewery</u> – 1/200 sq. ft. of gross floor area; <u>Bank/offices</u> – 1/300 sq. ft. of gross floor area	<b>Reduce by 50%</b>  <b>All Uses?</b>
General Commercial (GC)	Intended to accommodate most commercial uses; residential use is allowed	Single-family, Multi-family dwellings; Sales & rental goods, merchandise, equipment; Laboratory, research uses; Restaurants	<u>Convenience store</u> – 1/250 sq. ft. of gross floor area; <u>Repair/service station</u> – 5 spaces/bay; <u>Restaurant</u> – 1/200 sq. ft. of gross floor area	<b>Reduce by 50%</b>  <b>All Uses?</b>

## Next Steps:

- ☐ Present proposal to the Planning Commission Title 49 Subcommittee for review and comment
  - ☐ **September 21, 2016 - Title 49 Committee Meeting**  
(public may submit comments in writing ahead of time; public testimony may be allowed)
- ☐ Public Hearing before the Planning Commission for their recommendation (favorable or not favorable)
  - ☐ **October 11, 2016 - Planning Commission Agenda (tentative)**
- ☐ Public Hearing before the Assembly for their final approval or denial

**AME2016-0013**

**Proposed Douglas Parking District**

**QUESTIONS?**



September 17, 2016

Dear members of the Title 49 Subcommittee,

I attended the public meeting on Sept 6 where CBJ was taking public testimony from Douglas residents about the potential changes in parking in the downtown area.

As I understand it, there is a proposal to reduce the required off-street parking requirements for three area zonings. I strongly support the restrictions being reduced for GC and LC zoning to encourage commercial business entities who might consider investing in the community. I see an increase to on-street parking within these zones as a temporary occurrence. I also think that if parking is an issue for customers, the natural evolution for that business will either survive or die depending on the worth customers see in the business itself. I would expect that most customers who would be patrons will also be those within the neighborhood who will be walking or on bikes.

I do not support any parking reduction to D18 residential zoning areas, in fact, I'd propose you actually increase the number of off-street parking spaces required for multi-family residences. Reduced off-street parking requirements will result in more on-street parking. I strongly believe that more on-street parking is a safety issue with blind access to kids and pets who might emerge from between on-street parked cars. When I was looking for a home to purchase one of the requirements was that it have off-street parking. There is a no parking sign on one side of my drive but not on the other. There have been countless times when I have been unable to see oncoming traffic and have (luckily) avoided any collisions. But the potential is there. Increased on-street parking is a hinderance to snow removal. I also see increased on-street parking as a potential conflict area and general annoyance for neighbors.

One of the other solutions that was discussed at the public meeting was to leave the parking requirements the same and have the planning committee be open to allow for waivers. This seems like a solution that is open to bias and inequity, has the potential to slow down the process for business owners, and may discourage new business owners from even considering opening a new business.

Thanks for your consideration,

Heidi Olson  
918 1st Street, Douglas  
907-523-8425