



DEVELOPMENT PERMIT APPLICATION

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

PROPERTY LOCATION	
Physical Address	9000 Glacier Hwy
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)	POWELL LTI
Parcel Number(s)	5B1601010011
<input type="checkbox"/> This property located in the downtown historic district <input checked="" type="checkbox"/> This property located in a mapped hazard area, if so, which <u>Flood</u>	
LANDOWNER/ LESSEE	
Property Owner	Contact Person
Adam Brown	Adam Brown
Mailing Address	Phone Number(s)
PO Box 32684 Juneau AK 99803	(907) 723-6473
E-mail Address	
aandsrentals907@gmail.com	
LANDOWNER/ LESSEE CONSENT	
Required for Planning Permits, not needed on Building/ Engineering Permits	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:	
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.	
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.	
X	 Landowner/Lessee Signature
	Date <u>5/31/24</u>
X	Landowner/Lessee Signature
	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.	
APPLICANT	
If the same as OWNER, write "SAME"	
Applicant	Contact Person
SAME	
Mailing Address	Phone Number(s)
E-mail Address	
X	 Applicant's Signature
	Date of Application <u>5/31/24</u>

To be completed by Applicant

DEPARTMENT USE ONLY BELOW THIS LINE

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials	
Case Number	Date Received
USE 24-13	



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY <i>Self serve Pet wash Kiosk</i>	
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED	
<input type="radio"/> Accessory Apartment – Accessory Apartment Application (AAP) <input checked="" type="radio"/> Use Listed in 49.25.300 – Table of Permissible Uses (USE) Table of Permissible Uses Category: <i>49.70.12.250</i>	
IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? <input type="radio"/> YES – Case # _____ <input checked="" type="radio"/> NO	
UTILITIES PROPOSED	WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site
SITE AND BUILDING SPECIFICS	
Total Area of Lot <i>31,184</i> square feet Total Area of Existing Structure(s) <i>6,500</i> square feet Total Area of Proposed Structure(s) <i>168</i> square feet	
EXTERNAL LIGHTING	
Existing to remain	<input checked="" type="radio"/> No <input type="radio"/> Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
Proposed	<input type="radio"/> No <input checked="" type="radio"/> Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
ALL REQUIRED DOCUMENTS ATTACHED	
<input type="checkbox"/> Narrative including: <input checked="" type="checkbox"/> Current use of land or building(s) <input checked="" type="checkbox"/> Description of project, project site, circulation, traffic etc. <input checked="" type="checkbox"/> Proposed use of land or building(s) <input checked="" type="checkbox"/> How the proposed use complies with the Comprehensive Plan	<i>If this is a modification or extension include:</i> <input type="checkbox"/> Notice of Decision and case number <input type="checkbox"/> Justification for the modification or extension <input type="checkbox"/> Application submitted at least 30 days before expiration date
<input type="checkbox"/> Plans including: <input checked="" type="checkbox"/> Site plan <input checked="" type="checkbox"/> Floor plan(s) <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings <input checked="" type="checkbox"/> Proposed vegetative cover <input checked="" type="checkbox"/> Existing and proposed parking areas and proposed traffic circulation <input checked="" type="checkbox"/> Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)	

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

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
	Fees			
Application Fees	\$ <i>500</i>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <i>100.00</i>			
Pub. Not. Sign Deposit	\$ <i>50.00</i>			
Total Fee	\$ <i>650.00</i>			

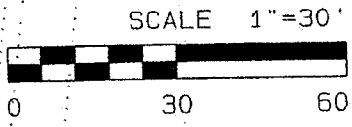
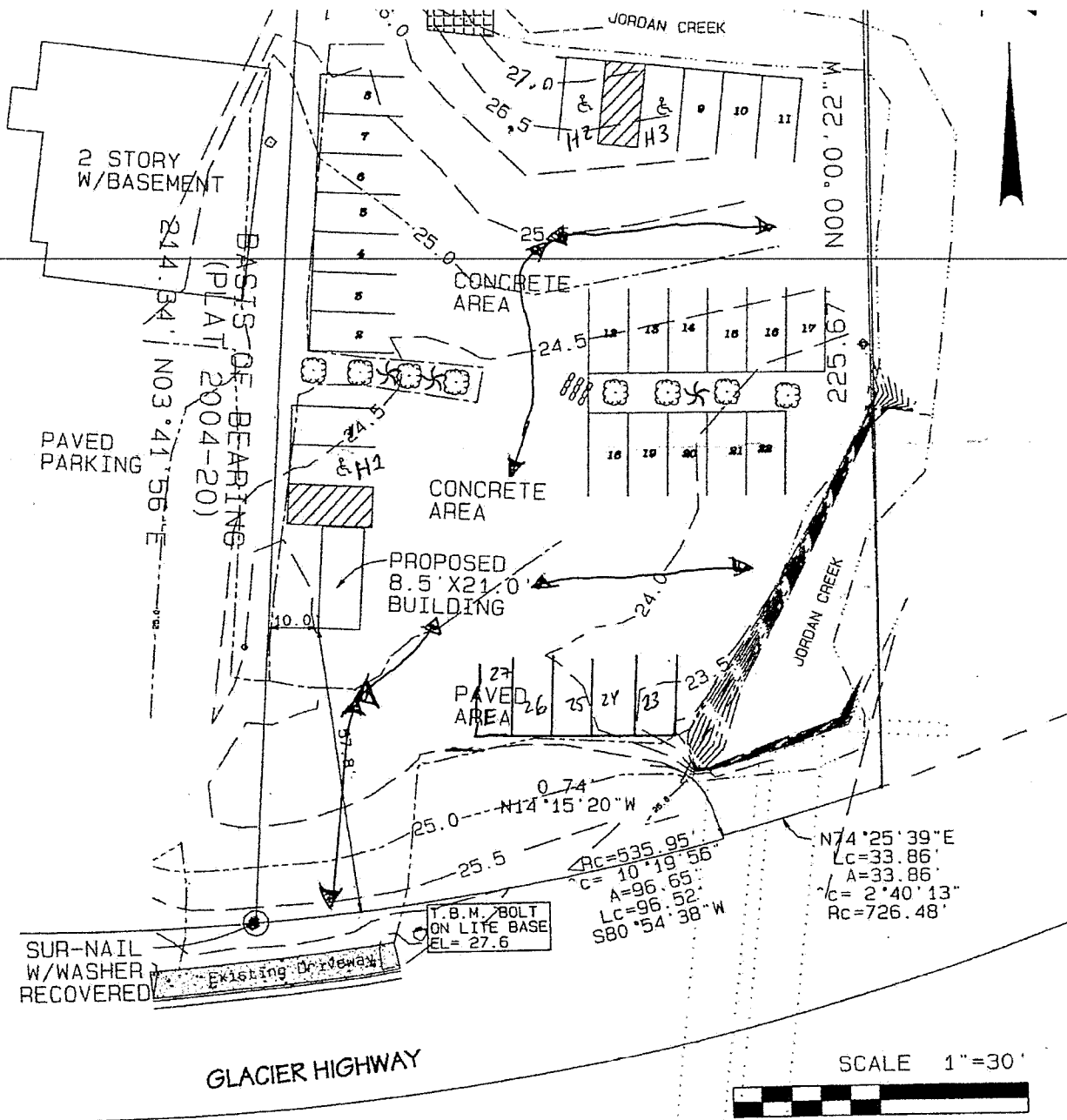
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For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
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We are proposing a pet wash kiosk that is a self-contained unit without any onsite employees. The kiosk is self-serve and will not have a drive-through. The development will be permanent and will operate year-round. The Kiosk will be electronic payment only. We will have daily business hours of 7am-9pm in which we will have a maintenance schedule to check drains, drain screens and filters per the manufacturer recommendations when we clean the facility and refill the necessary products. The Kiosk will only have down lighting with a back lite sign. We will have security cameras around the perimeter for safety. We will provide two ADA parking spaces with an 8' access aisle as well as two additional standard spaces. We think this will be an adequate amount of parking since the time of use in Kiosk should be a short range. We will have an ADA accessible ramp to Kiosk and the Kiosk itself is ADA compliant. We look forward to serving our community with a much need option for proper pet care and with the advantages and convenience to use a high quality professional equipment.

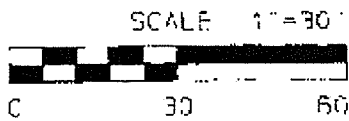
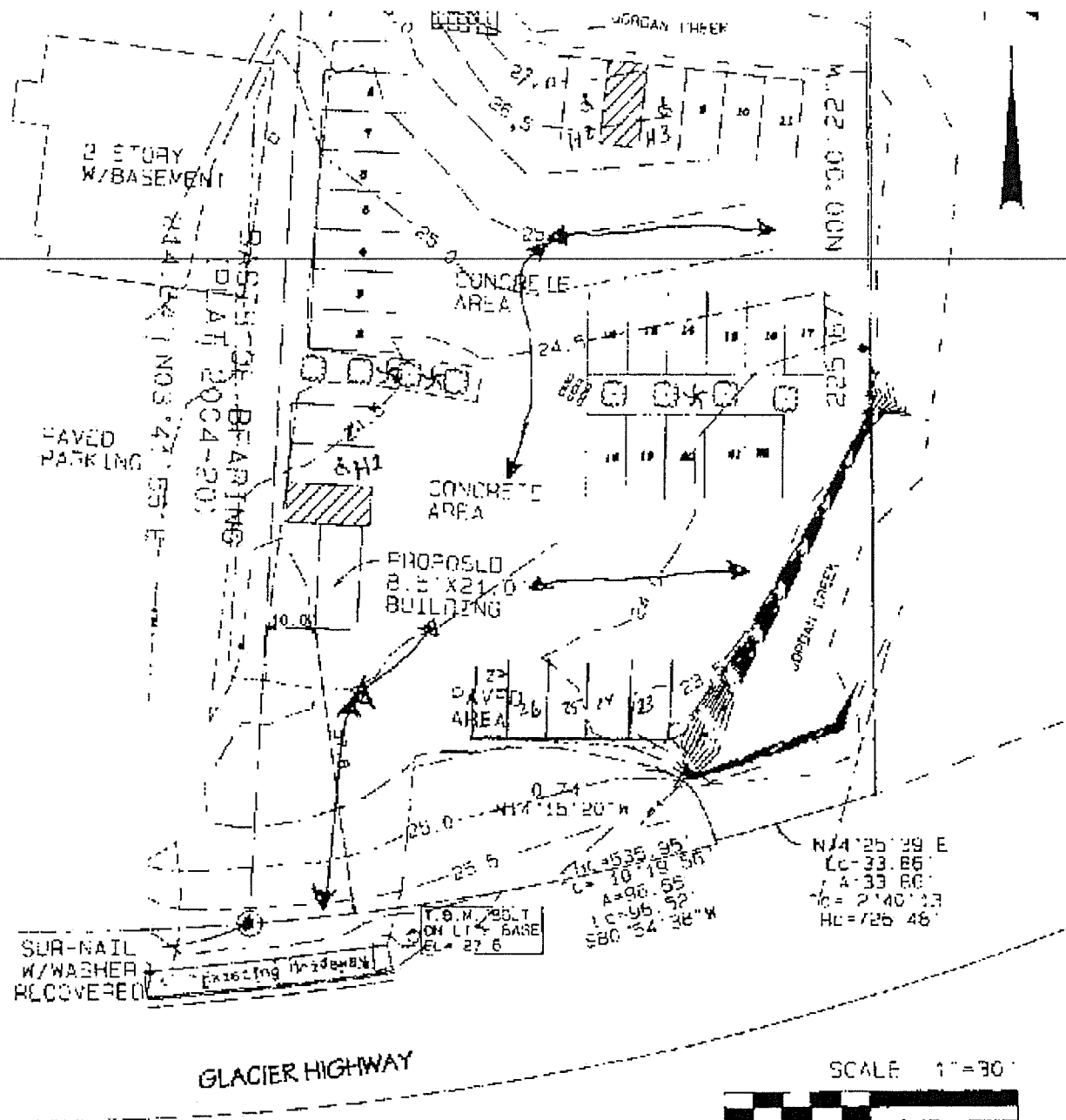


I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

J.W. BEAN
 PROFESSIONAL SURVEYOR

F.B. ——— JOB No. 8083
 SCALE AS-SHOWN
 DATE 5-5-2024

PLOT PLAN FOR
 BUILDING
 LOT 1
 POWELL SUBDIVISION
 within USS 381



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAN, THAT ALL MARKS, MONUMENTS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

J.W. BEAN
 PROFESSIONAL SURVEYOR
 STATE OF ALASKA
 No. 4914

JOE No. 8033
 SCALE: AS SHOWN
 DATE: 5-5-2024

LOT PLAN FOR
 BUILDING
 LOT 1
 POWELL SUBDIVISION
 within USFS 281



(907) 586-0715

CDD_Admin@juneau.gov
 www.juneau.org/community-development
 155 Heritage Way • Juneau, AK 99801

Pet Grooming Station

Case Number: PAC2024 0021
 Applicant: Adam Brown
 Property Owner: Adam Brown
 Property Address: 9000 Glacier Highway
 Parcel Code Number: 5B1601010011
 Site Size: 35,184 square feet
 Zoning: Light Commercial
 Existing Land Use: Office Building with parking

Conference Date: April 24, 2024
 Report Issued: May 17, 2024

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

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

Name	Title	Email address
Adam Brown	Applicant	Alpineconstructionenterprises@gmail.com
Teri Camery	Planning	Teri.Camery@juneau.gov
Jay Larson	Planning	Jason.Larson@juneau.gov
Charlie Ford	Building	Charlie.ford@juneau.gov
Eric Vogel	General Engineering	Eric.Vogel@juneau.gov

Conference Summary

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

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

Project Overview

The applicant proposes a pet wash kiosk as a self-contained unit without any employees. The kiosk is self-serve and is not a drive-through. The development will be permanent and will operate year-round.

The development is in the Light Commercial zoning district and requires a Conditional Use Permit per CBJ 49.70.12.250, day animal services. In addition to the standard requirements on the Conditional Use Permit application, the application should include specific attention on the following:

- 1) A detailed project narrative that explains:
 - a. how the unit will operate;
 - b. hours and seasons of operation;
 - c. employees;
 - d. proposed parking, and as-built survey of the building on the site with square footage, so CDD can confirm the parking requirements of the current structure;
 - e. ingress and egress/traffic circulation;
 - f. lighting;
 - g. security;
 - h. drainage and wastewater management (with attention on how to prevent contaminants from reaching Jordan Creek, a salmon stream and DEC-listed impaired waterbody);
 - i. compatibility with the surrounding neighborhood.
- 2) A detailed site plan and building drawings that include:
 - a. Existing building(s) on the site and any reserved parking associated with the building(s);
 - b. Special Flood Hazard Area AE Floodplain and Special Flood Hazard Area AE floodway boundaries (CDD will provide a GIS layer with these boundaries on request);
 - c. Jordan Creek 50-foot no development setback boundaries. CDD staff will stake the 50-foot no-development boundary from the Ordinary High Water Mark.
 - d. An Elevation Certificate or equivalent survey that demonstrates that the lowest floor of the building will be at or above the 28.5 foot Base Flood Elevation.
 - e. Ingress and egress and traffic circulation, in relation to existing and proposed parking and existing uses on the site.

Conditional Use Permit reviews typically take 3-4 months to finalize after receiving a complete application.

Planning Division

1. **Zoning** – Light Commercial
2. **Table of Permissible Uses** - 49.70.12.250, day animal services
3. **Setbacks** – Light Commercial setbacks are 10 feet in the front, rear, and side yards. Site plans should be drawn to scale and confirm compliance with these standards.
4. **Height** – The maximum height of permissible uses in the Light Commercial zoning district is 45 feet. The maximum height of accessory uses in the Light Commercial zoning district is 35 feet.
5. **Access** – Glacier Highway

6. **Parking & Circulation**– CBJ 49.40.210(a) does not list a parking requirement for a self-service pet wash kiosk. The applicant should list proposed parking with a rationale in the project narrative and site plan, and CDD staff will do further research for a final recommendation if necessary. Traffic circulation on the site, including ingress and egress, should also be addressed in the project narrative and site plans.

The application also needs to include an as-built survey and square footage of the existing building on the site, in order to identify current parking requirements for the entire lot. There appears to be adequate parking space for the proposed development.

7. **Lot Coverage** – There is no maximum lot coverage in the Light Commercial zoning district.
8. **Vegetative Coverage** – The vegetative coverage requirement in the Light Commercial zoning district is 15 percent. The site plan should verify compliance with this requirement.
9. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

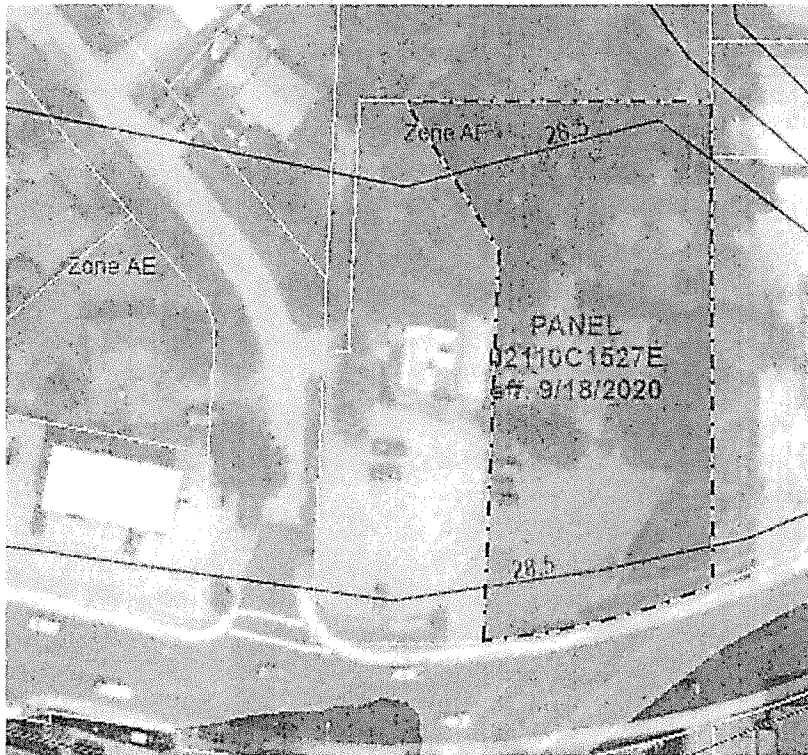
Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d).

All exterior lighting fixtures shall be of a “full cutoff” design.

10. **Noise** – The project narrative should address any potential noise impacts from the development.
11. **Flood** – The development is located in a Special Flood Hazard Zone AE, per the screenshot of the adopted National Floodplain Insurance Rate Map below. The lot also includes the Jordan Creek floodway, shown as the cross-hatched lines. Structures are prohibited in the floodway without exception.

The proposed kiosk may be located in the floodplain with an approved Floodplain Development Permit. The floodplain development permit application will need to demonstrate compliance with CBJ 49.70.400, Flood Hazard Areas, attached. In particular, the application needs to demonstrate, with an Elevation Certificate or equivalent survey, that the lowest floor of the structure is at or above the Base Flood Elevation of 28.5 feet. Because this is an area of known and frequent flooding, CDD advises, but will not require, the applicant to build at a higher elevation that exceeds the minimum requirement. The structure also needs to be anchored to prevent flotation, collapse, or lateral movement of the structure. The Floodplain Development Permit must be finalized before or concurrently with the Conditional Use Permit.

Lastly, the floodway and floodplain boundaries must be shown on the site plan, in addition to the 50-foot no development setback from Jordan Creek as noted in the following section. CDD can provide the flood GIS layer to the surveyor if this is helpful for developing the site plan.



12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The site is not in a mapped hazard zone.

13. **Wetlands** – There are no known wetlands on the site.

14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling.

Jordan Creek, an anadromous waterbody and Alaska Department of Environmental Conservation (ADEC) listed in impaired waterbody, lies on the northern and western sections of the lot. Development is prohibited within 50 feet of the Ordinary High Water Mark (OHWM) of Jordan Creek. CDD staff will stake the OHWM on the site, and this boundary must be included on the site plan.

Wastewater from the kiosk must be treated and may not be discharged into Jordan Creek, and this needs to be addressed in the Conditional Use Permit project narrative. ADEC will provide comments during the Conditional Use Permit review process.

15. **Plat or Covenant Restrictions** – There are no known plat or covenant restrictions on the lot.

16. **Traffic**

Traffic should be addressed in the application as noted. There is no indication that a traffic impact analysis will be necessary.

17. **Nonconforming situations** – There are no known nonconforming situations on the lot.

Building Division

18. **Building** – The building division has no issues with the project.

19. **Outstanding Permits** – N/A

General Engineering/Public Works

20. **Engineering** – The new kiosk will need to be tied into existing water line, volume shall be captured by existing meter. A water line information form shall be completed and submitted that shows water and sewer lines including sizes and material, any fittings or couplings, and cleanouts and valves
21. **Drainage** – A site plan will be submitted to demonstrate the working site drainage.
22. **Utilities** – Utility permits required.

Fire Marshal

23. **Fire Items/Access** – CCFR did not attend the PAC meeting.

Other Applicable Agency Review

24. N/A

List of required applications

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

1. Conditional Use Permit
2. Floodplain Development Permit
3. Sign Permit

Additional Submittal Requirements

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

1. A copy of this pre-application conference report.

Exceptions to Submittal Requirements

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

1. None.

Fee Estimates

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

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

1. Conditional Use Permit Class II use, \$500
2. Conditional Use Permit Public Notice sign fee \$50; deposit \$100.
3. Floodplain Development Permit. \$100
4. Sign Permit. \$50 for the first two signs; \$20 for each additional sign.

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

Submit your Completed Application

Pre-Application Conference Final Report

You may submit your application(s) online via email to permits@juneau.gov
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:

49.70 Article IV – Flood Zone
49.15.330 – Conditional Use Permit
Development Permit Application
Conditional Use Permit Application
FloodPlain Development Permit Application
Sign Permit Application

49.70.400 Floodplain.

- (a) *Purpose.* The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:
- (1) Reserved;
 - (2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
 - (3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
 - (4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
 - (5) Reserved;
 - (6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
 - (7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.
- (b) *Interpretation.*
- (1) In the interpretation and application of this article, all provisions are considered minimum requirements and are liberally construed in favor of the governing body.
 - (2) This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where the provisions of this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 - (3) This article shall apply to all areas of special flood hazard areas (SFHAs) within the jurisdiction of the City and Borough of Juneau.
 - (4) The special flood hazard areas identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled the "Flood Insurance Study" (FIS) and the flood insurance rate maps (FIRMs) dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The FIS and FIRMs shall be on file with the community development department and available to the public at 155 South Seward Street, Juneau, Alaska.
- (c) *Implementation.* The director is responsible for administering and implementing the provisions of this chapter and is responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information must include:
- (1) Actual elevations, in relation to mean lower low water, of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard area (SFHA), and whether or not such structures have basements;
 - (2) Actual elevations, in relation to mean lower low water, of all new and substantially improved floodproofed structures and the required floodproofing certifications;
 - (3) Flood insurance studies (FISs);
 - (4) Flood insurance rate maps (FIRMs);
 - (5) Any reports or studies on flood hazards in the community, such as written reports by the U.S. Army Corps of Engineers, U.S. Geological Survey, or private firms provided to the director; and
 - (6) A file of all floodplain permit applications, permits, exceptions, and supporting documentation.

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- (d) *Enforcement.* Enforcement of this chapter is per CBJ 49.10.600—49.10.660.
- (e) *Floodplain development permit required.* A floodplain development permit is required for any development or industrial uses located within a special flood hazard area, including placement of manufactured homes. The director must:
- (1) Review all floodplain development permit applications for development in the special flood hazard area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.
 - (2) Interpret the location of the special flood hazard area boundaries and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the director must determine and interpret the documents. When base flood elevation data has not been provided, the director shall obtain, review, and reasonably utilize base flood elevation and floodway data available from any federal, state, municipal, or any other source to implement the provisions of this chapter.
 - (3) If the director determines that a proposed development is within a special flood hazard area, a permit fee must be collected and the following information must be provided before processing a floodplain development permit:
 - (A) Elevation of the lowest floor, including a basement, of all structures;
 - (B) Elevation to which any structure has been floodproofed;
 - (C) Certification by an engineer or architect that the floodproofing methods for any nonresidential structure meet generally accepted floodproofing standards;
 - (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - (E) Description of the plan for maintenance of the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and
 - (F) When base flood elevation data have not been provided, the director shall obtain, review and reasonably apply any base flood elevation and floodway data available from federal, state or other sources.
- (f) *Methods of reducing losses.* In order to accomplish its purpose, this article includes methods and provisions to:
- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
 - (4) Control filling, grading, dredging, and other development that may increase flood damage; and
 - (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.
- (g) *General standards for flood hazard protection.* In special flood hazard areas the following standards apply:
- (1) *Anchoring.*
 - (A) Design, modify, and anchor new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure(s).

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- (B) A manufactured home must be anchored to prevent flotation, collapse, or lateral movement and be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
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- (C) An alternative method of anchoring may be used if the system is designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the director that this standard is met.
- (2) *Construction materials and methods.*
 - (A) Construct new construction and substantial improvements with materials and utility equipment resistant to flood damage.
 - (B) Use methods and practices that minimize flood damage for new construction and substantial improvements.
 - (C) Design or locate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) Require adequate drainage paths around structures on slopes to guide floodwaters away from existing and proposed structures for new construction and substantial improvements within zones AH and AO.
 - (3) *Utilities.*
 - (A) Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
 - (B) Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - (C) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
 - (4) *[Subdivision and development proposal criteria.]* Subdivision and development proposals must meet the following criteria:
 - (A) Be designed to minimize flood damage;
 - (B) Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems to minimize flood damage;
 - (C) Provide adequate drainage to reduce exposure to flood damage; and
 - (D) Include base flood elevation data if the development consists of at least 50 lots or five acres, whichever is the lesser. If base flood elevation data is not available, the proposal must provide the data and backup information for how the base flood elevation data was generated for the proposal.
 - (5) *[Floodplain development permit requirements.]* Review of floodplain development permits must include:
 - (A) Review of the flood insurance rate map and flood insurance study for flood zone determinations for new or substantially improved structures;
 - (B) For new or substantially improved structures:
 - (i) Submittal of the proposed and finished lowest floor elevations in zones A, AE, AO, and AH.

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- (ii) Submittal of the proposed and finished bottom elevation of the lowest horizontal structural member of the lowest floor and its distance from the mean lower low water mark in zones V and VE; and
 - (iii) Submittal of specific requirements for zones V and VE as set forth in subsection 49.70.400(i).
- (C) In zones A and V, where elevation data are not available through the flood insurance study or from another authoritative source, applications for floodplain development permit shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may be based on historical data, high water marks, photographs of past flooding, and other similar or relevant data. Failure to elevate construction at least two feet above grade in these zones may result in higher insurance rates.
- (D) Provision of an elevation certificate to demonstrate that the lowest floor of a structure is at or above base flood elevation. The certification must be provided on a form approved by the National Flood Insurance Program and prepared by a registered land surveyor or professional engineer who is licensed in the State of Alaska and authorized to certify such information. This requirement may be waived by the director if an approved record elevation demonstrates that the lowest floor is substantially above the base flood elevation due to natural ground level.
- (6) *Other permits.* The applicant must certify that all other necessary permits have been obtained from any federal or state governmental agencies.
- (7) *[Maintaining watercourse.]* Maintain altered or relocated portions of a special flood hazard area mapped watercourse so that the flood-carrying capacity is not diminished. The department must notify the state coordinating agency, if any, and the Federal Emergency Management Agency prior to issuance of a floodplain development permit that seeks to alter or relocate any watercourse within a special flood hazard area.
- (h) *Specific standards for flood hazards protection.* In special flood hazard areas where base flood elevation data is provided, the following provisions are required:
- (1) *New structures or substantial improvements.* Fully enclosed areas below the lowest floor of new construction or substantial improvements, that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, must automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Alaska or must meet or exceed the following minimum criteria:
 - (A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (B) Height of the bottom of all openings must be no higher than one foot above grade; and
 - (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that the automatic entry and exit of floodwaters is allowed.
 - (2) *Residential construction.* New construction and substantial improvement of any residential structure:
 - (A) Construct the lowest floor, including basement, elevated to or above the base flood elevation within zones A, AE, or AH; or
 - (B) Construct the lowest floor elevated to the base flood depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO.
 - (3) *Manufactured homes.* New or substantially improved manufactured homes must:

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- (A) Be placed at or above, the base flood elevation, within zones A, AH, or AE, and shall be elevated to, or above, the base flood elevation, and comply with subsection (g); or
 - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; and meet the provisions of subsection (g)(1).
- (4) *Recreational vehicles.* Recreational vehicles placed within any special flood hazard area must be:
- (A) Situated on the site for fewer than 180 consecutive days;
 - (B) Fully licensed, operational, and approved for road use; or
 - (C) Meet the requirements of subsection (h)(3).
- (5) *Nonresidential construction.* New construction or substantial improvement of any nonresidential structure must:
- (A) Elevate the lowest floor, including basement, to or above the base flood elevation within zones A, AE, and AH;
 - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; or
 - (C) Floodproof the area below the base flood elevation within zones A, AE, AH, and AO, so that:
 - (i) The structure and utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water;
 - (ii) Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (D) A floodproof structure must be designed by an engineer or architect licensed in the State of Alaska, certifying that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer's or architect's development or review of the structural design, specifications, and plans. Certification must be provided to the director;
 - (E) Applicants proposing to floodproof nonresidential buildings must be notified at the time of floodplain development permit application that flood insurance premiums are based on rates that are one foot below the floodproofed level.
- (6) *Industrial uses.* Industrial uses within the special flood hazard area are subject to the following provisions:
- (A) Sand and gravel operations, recreation activities, open space, and parking lots may be allowed in 100-year floodplains if the use does not increase the flood hazard.
 - (B) Industrial equipment and raw materials stored in 100-year floodplains must be adequately bermed or otherwise protected.
 - (C) Disposal of hazardous materials in 100-year floodplains is prohibited. No new development that involves storage of hazardous materials will be permitted in the 100-year floodplain unless there is no feasible and prudent alternative and adequate safety measures are provided to prevent accidental discharge.
 - (D) Establishment of sanitary landfills in floodplains is prohibited.

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- (7) *Increasing water surface elevation in special flood hazard area mapped watercourses where floodways are not mapped.* Notwithstanding any other provisions of this article, development in zones A, AE, and AH may increase the water surface elevation of the base flood:
- (A) Up to one foot with the submittal of an analysis completed by an engineer licensed in the State of Alaska demonstrating the cumulative effects of the proposed, existing and anticipated, development to the base flood; or
 - (B) By more than one foot only after a conditional letter of map revision and final letter of map revision is approved by the Federal Emergency Management Agency flood insurance administrator.
- (i) *Additional provisions in floodways.*
- (1) Residential and nonresidential structures are prohibited in floodways, no exceptions apply. Culverts and bridges are not subject to this prohibition.
 - (2) Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.
 - (3) Development along a floodway cannot increase the water surface elevation unless a conditional letter of map revision and final letter of map revision that revises the floodway are approved by the Federal Emergency Management Agency.
- (j) *Additional provisions in zones VE and V.*
- (1) New construction and substantial improvements in zones V and VE must be elevated on pilings and columns so that:
 - (A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation; and
 - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used are those required by applicable state statute and local code. A registered professional engineer or architect licensed in the State of Alaska must develop or review the structural design, specifications, and plans for the construction and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (j)(1)(A) and (B) of this section.
 - (C) The use of fill for structural support of buildings is prohibited.
 - (2) In zones VE and V, new habitable construction must be located landward of the reach of mean high tide.
 - (3) In zones VE and V, new construction and substantial improvements must have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

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- (4) Breakaway walls must have a design safe loading resistance of not less than ten pounds per square foot and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect licensed in the State of Alaska certifies that the designs proposed meet the following conditions:
- (A) Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and
 - (B) The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code.
 - (C) Enclosed space within breakaway walls are limited to parking of vehicles, building access, or storage. Such space must not be used for human habitation.
- (k) *Warning and disclaimer of liability.* The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by human or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.
- (Serial No. 87-49, § 2, 1987; Serial No. 90-46, §§ 2—9, 1990; Serial No. 2013-19(b), § 2, 7-15-2013 ; Serial No. 2020-42, § 2, 8-24-2020, eff. 9-23-2020 ; Serial No. 2021-06, § 2, 4-26-2021, eff. 5-26-2021)

49.15.330 Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
 - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
 - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
 - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
 - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
 - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
 - (A) Will materially endanger the public health or safety;
 - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*
 - (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
 - (A) Whether the proposed use is appropriate according to the table of permissible uses;

(B) Whether the application is complete; and

(C) Whether the development as proposed will comply with the other requirements of this title.

(2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

(1) Materially endanger the public health or safety;

(2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or

(3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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

(1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.

(2) *Use.* Use of the development may be restricted to that indicated in the application.

(3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.

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

(5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.

(6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.

(7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.

(8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.

(9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.

(10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

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(A) Developments in wetlands and intertidal areas.

- (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
- (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
- (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
- (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018)