

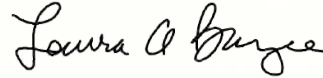
# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

DATE: September 3, 2014

TO: Planning Commission

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



FILE NO.: AME2014 0010

PROPOSAL: Amendment to CBJ 49.55.010 to clarify bonding requirements as a financial responsibility when installing required improvements.

The City and Borough of Juneau Land Use 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.

## ATTACHMENTS

Attachment A	DRAFT revision to CBJ 49.55.010, Financial responsibility
Attachment B	Memo from Rorie Watt, Engineering Director
Attachment C	Existing CBJ 49.55.010 regulations

## BACKGROUND

The proposed ordinance would amend Title 49, the Land Use Code, to update and clarify the requirements regarding the financial guarantees for required improvements. The proposed changes are shown in Attachment A. The Director of Engineering requested the proposed changes (see Attachment B). The General Engineering Division of the Engineering Department provides oversight of this portion of Title 49.

The Subdivision Review Committee reviewed the changes at its August 26th and 28th, 2014 meetings. Although they had a follow up question regarding the change from requiring five percent to ten percent for maintenance/warranty bonds, they support the proposed changes. Information about the percentage change is included below.

The modification from a five percent to a ten percent warranty bond is being requested due to existing business practices and cohesion with section 9(A) within the existing code language (see Attachment C). The history of requiring a ten percent warranty bond is unknown; however, per CBJ Construction Contract Standard Specifications, Article 5, Bonds and Insurance, Section 5.1

A, the contractor is required to furnish a bond for 100% of the amount of the bid award and it they remain in effect for 12 months after the date of final payment. In comparison, ten percent is a minimal request to warranty privately constructed subdivision improvements that will subsequently be conveyed to and become the permanent responsibility of CBJ.

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

The Comprehensive Plan (the Plan) doesn't speak specifically to the issue of bonding or providing financial options for improvements installation. The Plan, however, does speak to the need to provide and assist with orderly development. Staff finds that this amendment is consistent with or furthers the following Comprehensive Plan policies:

#### Comprehensive Plan Policies

***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.***

***POLICY 12.2 TO EXTEND PUBLIC WATER, SEWER, STORM DRAINAGE, AND EARTH RETENTION FACILITIES TO ALL AREAS WITHIN THE URBAN SERVICE AREA.***

### **COMPLIANCE WITH CBJ LAND USE CODE**

Title 49 was examined to determine whether or not the proposed ordinance is in compliance with the Land Use Code. Staff finds the ordinance is consistent with the Land Use Code and will not create any internal inconsistencies if the amendment is approved.

### **HABITAT**

Not applicable.

### **RECOMMENDATION**

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