

TABLE OF CONTENTS

1
2
3 **CHAPTER 21.08: SUBDIVISION STANDARDS453**
4 **21.08.010 Purpose.....453**
5 A. General.....453
6 B. Specific.....453
7 **21.08.020 Applicability.....453**
8 A. Generally453
9 B. Approvals Required.....453
10 **21.08.030 Design Standards.....454**
11 A. Subdivision Layout and Design Generally.....454
12 B. Phasing Schedule.....454
13 ~~C. Legal and Physical Access.....C.~~
14 ~~..... Maintenance of Existing Natural Drainage~~
15 ~~.....454~~
16 ~~D. Streets.....D.~~
17 ~~..... Drainage Design~~
18 ~~.....454~~
19 ~~E. Block Arrangement.....E.~~
20 ~~..... Legal and Physical Access~~
21 ~~.....455~~
22 ~~F. Lot Dimensions.....F.~~
23 ~~..... Streets~~
24 ~~.....455~~
25 ~~G. Lot Frontage and Access.....G.~~
26 ~~..... Block Arrangement~~
27 ~~.....458~~
28 ~~H. Landscaping.....H.~~
29 ~~..... Lot Dimensions~~
30 ~~.....458~~
31 ~~I. Reserve Strips.....I.~~
32 ~~..... Lot Frontage and Access~~
33 ~~.....459~~
34 ~~J. Electrical and Telecommunication Utilities.....J.~~
35 ~~..... Landscaping~~
36 ~~.....459~~
37 ~~K. General Subdivision Standards Are Minimum Standards.....K.~~
38 ~~..... Reserve Strips~~
39 ~~.....460~~
40 ~~21.08.040.....Dedication~~
41 ~~.....L.~~
42 ~~..... Electrical and Telecommunication Utilities~~
43 ~~.....460~~
44 ~~A. Public Open Space Dedication and Fees In Lieu.....M.~~
45 ~~..... General Subdivision Standards Are Minimum Standards~~
46 ~~.....460~~
47 ~~**B. Streets.....21.08.040**~~
48 ~~**Dedication.....460**~~
49 ~~C. Alleys.....A.~~
50 ~~..... Streets~~
51 ~~.....460~~
52 ~~D. Walkways.....B.~~
53 ~~..... Alleys~~
54 ~~.....461~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

~~E. Trails C.
 Walkways
 461
 F. Riparian Protection and Maintenance Easements D.
 Trails
 461
 G. UtilityE. Riparian Protection and Maintenance Easements
 461
 21.08.050 Improvements
 F.
 Utility Easements
 462
A. General Requirements 21.08.050
Improvements 463
 B. Improvement Areas Defined A.
 General Requirements
 463
 GB. Improvement Requirements by Improvement Area Areas Defined
 463
 D. Interior Streets C.
 Improvement Requirements by Improvement Area
 464
 E. Optional Residential D. Interior Streets
 465
 F. Access Streets, Peripheral Streets, and Half Streets E.
 Optional Residential Interior Streets
 468
 G. Curbs and Gutters F.
 Access Streets, Peripheral Streets, and Half Streets
 469
 H. Sidewalks G.
 Curbs and Gutters
 470
 I. Walkways H.
 Sidewalks
 470
 J. Street Lighting I.
 Walkways
 470
 K. Traffic Control Devices J.
 Street Lighting
 470
 L. Monuments K.
 Traffic Control Devices
 471
 M. Drainage System L.
 Monuments
 471
 N. Telephone and Electric Facilities M.
 Drainage System
 471
 O. Water SupplyN. Telecommunication and Electric Facilities
 472~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

| | | | |
|-----------------------|---|--|----------------|
| P. | Sanitary Sewer O | Water Supply Facilities | 472 |
| Q. | Erosion and Sedimentation Control | Sanitary Sewer Facilities | 473 |
| R. | Landscaping | Erosion and Sedimentation Control | 473 |
| S. | Natural Gas Facilities | Landscaping | 474 |
| 21.08.060. | Subdivision Agreements | Natural Gas Facilities | 474 |
| A. | Agreement Required; Application; Contents | 21.08.060 | 474 |
| B. | Approval by Assembly | Agreement Required; Application; Contents | 474 |
| C. | Time Limit for Completion of Improvements | Approval by Assembly | 475 |
| D. | Payment of Costs of Required Improvements | Time Limit for Completion of Improvements | 476 |
| E. | Guarantee D. Payment of Completion Costs of Required Improvements Required; Amount; Methods | Guarantee of Completion of Improvements Required; Amount; Methods | 480 |
| F. | Release of E. Guarantee of Completion of Improvements Required; Amount; Methods | Release of Guarantee of Improvements | 482 |
| G. | Improvement Warranty | Correction of Deficiencies Under G. Improvement Warranty | 482 |
| H. | Release H. Correction of Deficiencies Under Warranty | Release of Warranty | 483 |
| J. | Default | Standards May Not Be Altered; Enforcement of Chapter | 484 |
| K. | Standards May Not Be Altered; Enforcement of Chapter | Default | 484 |
| 21.08.070. | Conservation Subdivisions | Standards May Not Be Altered; Enforcement of Chapter | 484 |
| A. | Purpose | 21.08.070 | 484 |
| B. | Applicability | Purpose | 484 |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

C. Conservation Design ProcessB.
..... Applicability
..... 484
D. Reduction in Minimum Lot Area Allowed.....C.
..... Conservation Design Process
..... 485
E. D. Reduction in Minimum Lot CoverageArea Allowed
..... 485
F. Minimum Open SpaceE.
..... Lot Coverage Allowed
..... 485
G. Dedication and RecordingF.
..... Minimum Open Space
..... 485
G. Dedication and Recording 485

CHAPTER 21.08: SUBDIVISION STANDARDS⁴¹

21.08.010 PURPOSE⁴²

A. General

These standards are enacted generally to promote the health, safety, convenience, order, ~~prosperity~~, and welfare of the present and future inhabitants of the Municipality; to ensure adequate and convenient open spaces, minimized traffic, and adequate utilities and public safety facilities; to provide recreation opportunities, light, and air, ~~and solar access~~; and to avoid congestion of the population.

B. Specific

~~The character and environment of the Municipality for future years will be greatly affected by the design of subdivisions and the plats that are approved by the Municipality.~~ Planning, layout, and design of a subdivision are of the utmost concern. The residents subdivision must ~~have available to them within the area~~ provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide ~~desirable~~appropriate settings for the buildings that are to be constructed, make use of natural contours and protect the views, afford privacy for the residents, and protect residents from adverse noise and vehicular traffic. Natural features and vegetation of the area should be preserved. Schools, parks, churches, and other community facilities should be planned ~~for~~ as an integral part of the area.

21.08.020 APPLICABILITY

A. Generally³³

This chapter shall be applicable to all subdivision of land within the Municipality that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or Municipality.

B. Approvals Required

1. General

Before a ~~permit~~preliminary plat for a subdivision shall be granted, the ~~subdividing~~ owner or his or her authorized agent shall apply for and secure approval under the provisions of ~~Section~~section 21.03.060, *Subdivisions and Plats*.

2. Before Certificate of Occupancy Zoning Compliance

A Certificate of Occupancy Zoning Compliance shall not be issued, and a building or structure shall not be occupied, until and unless all dedications and improvements required by this chapter have been installed or

¹ ~~NOTE: This chapter contains the design standards for new subdivisions. While this chapter is based heavily on existing standards, various, relatively minor changes have been made and are indicated with footnotes. A new conservation subdivision option is proposed.~~

² ~~NOTE: Suggested new purpose statements.~~

³ ~~NOTE: We need to decide to what extent site condos will be subject to the standards of this chapter and 21.07. We already have moved many important provisions (e.g., common open space requirements) from the subdivision chapter to 21.07 to make them applicable to all development, not just subdivision. But discussion is still necessary on whether site condos can or should be made subject to all or parts of this chapter.~~

1 agreements/guarantees made in a satisfactory manner and approved by the
2 Municipality.

3 **21.08.030 DESIGN STANDARDS**

4 **A. Subdivision Layout and Design Generally⁴⁴**

5 No subdivision shall be approved unless it complies with all of the following standards:

6 **1. Name of Subdivision**

7 The title under which the subdivision will be recorded shall not duplicate the
8 name of any existing subdivision in the Municipality.

9 **2. Compliance with Comprehensive Plan**

10 The design of subdivisions shall be consistent with the appropriate elements
11 of the Comprehensive Plan ~~and all other adopted plans and policies.~~

12 **3. Compliance with Other Provisions of this Title**

13 All subdivisions shall comply with all other applicable zoning, design, and
14 development regulations set forth in this ~~Title~~title, including but not limited to:

15 ~~a.~~ The requirements of the zoning district in which the property is located (see
16 ~~Chapter~~chapter 21.04);

17 ~~a.~~ ~~The requirements relevant to specific uses (see Chapter 21.05);~~ and

18 ~~b.~~ ~~Generally applicable~~Applicable development and design standards
19 (see ~~Chapter~~chapter 21.07).

20 **B. Phasing Schedule⁵⁵**

21 The Platting Authority may require that a subdivision conform to a phasing schedule
22 based upon the scheduled availability of infrastructure to serve the subdivision.
23 Submittals for the initial phase of a subdivision shall indicate utility easements and
24 transportation connections to adjacent and undeveloped land/areas that are not part
25 of the initial phase yet are under the same ownership.

26 **C. Maintenance of Existing Natural Drainage⁶**

27 The general lot configuration and layout of proposed rights of way, open space tracts,
28 and development setbacks shall be consistent with naturally occurring drainage
29 features and historical drainage patterns within the subdivision and surrounding areas.
30 Every effort shall be made to mitigate the damming and/or diversion of natural and
31 historical drainageways or watercourses. The subdivision design shall ensure that
32 neighboring parcels, adjacent rights of way, waterbodies, wetlands, and existing storm
33 drainage facilities are in no way adversely impacted by new or altered drainage
34 resulting from the development.

35 **D. Drainage Design⁷**

36 Submittals for new subdivisions shall comply with the following standards:

⁴ NOTE: New subsection.

⁵ NOTE: Existing 21.80.380.

- 1 1. Any and all waters of the United States, including wetlands, streams, lakes,
2 and marine waters, located either in whole or in part within the proposed
3 development shall be surveyed and mapped.
- 4 2. All pre- and post-development points of drainage entrance and exit to the
5 development, and all site drainage receiving waters shall be clearly identified.
- 6 3. All existing and proposed drainageways affected by the proposed
7 development, natural or constructed, shall be clearly identified.
- 8 4. Plans for proposed development must demonstrate provision for integrated
9 contiguous drainage for all entrance drainage and site drainage, including the
10 drainage from individual lots.
- 11 5. Estimates for watercourse flow rates contributed by groundwater from
12 subdrains, ditching, or natural features that may convey shallow groundwater
13 to the existing and/or proposed drainage network shall be provided.
- 14 6. Estimates of pre- and post-development peak flow rates for the 2 year 6 hour,
15 and the 10 year 3 hour design storm events for all drainage entrance and exit
16 points to the proposed development shall be provided. Post development
17 estimates for drainage exit points shall reflect proposed storm water detention
18 or retention controls.
- 19 7. Developments shall be designed such that post-development runoff volumes
20 meet both of the following criteria:
 - 21 a. Post-development runoff volumes calculated from the 2 year, 6 hour
22 design storm event shall equate to a zero net increase from the pre-
23 development conditions; and
 - 24 b. Post-development runoff volumes calculated from the 10 year, 3 hour
25 design storm event shall equate to no more than double the
26 calculated runoff volumes from pre-development conditions. Design
27 storm events shall be obtained from the Municipality's most current
28 standard WQ hyetograph.

29 **E. Legal and Physical Access**

30 A subdivision shall have legal and physical access.

31 **F. Streets**

32 All streets shall comply with the standards of ~~Section~~the Design Criteria Manual and
33 section 21.07.060, *Transportation and Connectivity*, and in addition shall comply with
34 the following intent and standards:

- 1 | **1. Street Grades⁶**
- 2 | 1. **Intent**
- 3 | Streets shall be arranged ~~properly~~ in relation to topography to provide usable
- 4 | lots, safe streets, reasonable gradients, and minimum damage to terrain and
- 5 | existing vegetation.
- 6 | 2. **Street Grades⁸**
- 7 | a. Except as provided in this section, cul-de-sac turnaround grades shall
- 8 | not exceed five percent, and other street grades shall not exceed ten
- 9 | percent.
- 10 | b. ~~Residential!~~Notwithstanding subsection a. above, residential street
- 11 | grades in a subdivision ~~shall not exceed~~may be up to 15 percent.
- 12 | ~~Any~~However, any street grade exceeding ten percent shall be on a
- 13 | straight alignment no more than 100 feet long; provided that the
- 14 | Municipal Engineer may allow the grade to ~~be~~continue longer where
- 15 | required by topographic conditions and consistent with sound design
- 16 | principles.
- 17 | c. Streets shall comply with the standards of subsection 21.07.020.C.,
- 18 | *Steep Slope Development*.
- 19 | 3. **Street Alignment⁷⁹**
- 20 | a. Arterial and collector streets shall be aligned to continue existing
- 21 | streets from adjoining areas into the proposed subdivision. Local
- 22 | streets shall be aligned to discourage their use by through traffic.
- 23 | This provision is not intended to encourage cul-de-sacs or dead-end
- 24 | streets. Stub streets with temporary turnaround areas shall be
- 25 | extended to the boundaries of the proposed subdivision where
- 26 | appropriate to provide future street connections to adjacent
- 27 | unsubdivided areas.
- 28 | b. Grade or median separations of street lanes may be permitted to
- 29 | preserve natural features, provide space for landscaping, or facilitate
- 30 | access in subdivisions containing hillside lots.
- 31 | c. In areas subject to extreme winds, the minimizing of potential wind
- 32 | damage shall be considered in aligning streets.
- 33 | 4. **Street Intersections⁸¹⁰**
- 34 | Streets shall intersect at or as near as is feasible to a 90-degree angle and in
- 35 | no event at less than a 75-degree angle. The distance between intersection
- 36 | centerlines shall be at least 150 feet.—¹¹ Corner roundings at intersections
- 37 | shall conform to the standards of the Department.

⁶ -NOTE:- Existing 21.80.210.— Staff notes that this subsection (and “Street Intersections” below) includes standards that perhaps duplicate the Design Criteria Manual, and thus a cross-reference to that document may be more appropriate than the listed standards. Further discussion necessary.

⁷ -NOTE:- Existing 21.80.220, with minor adjustments.— We have removed provisions that repeat standards in the new *Transportation and Connectivity* section in 21.07.

⁸ -NOTE:- Existing AMC 21.80.230 with minor adjustments.

- 1 | 5. **Cul-de-Sacs**⁹¹²
- 2 | a. Where topography and traffic circulation permit, the length of a cul-
- 3 | de-sac shall not exceed 900 feet in the R-5, R-6, R-9, R-10, and TA
- 4 | zoning districts, and 600 feet in all other zoning districts.
- 5 | b. The length shall be measured from the centerline of intersecting
- 6 | through streets to the radius point of the cul-de-sac bulb.
- 7 | c. A cul-de-sac shall terminate with a turnaround having a minimum
- 8 | radius of 50 feet and a minimum return radius of 50 feet.
- 9 | Commercial/industrial cul-de-sacs shall have a minimum radius of 65
- 10 | feet. The Platting Authority may permit a cul-de-sac street to
- 11 | terminate with a T-shaped or Y-shaped turnaround, or other
- 12 | turnaround approved by the Traffic Engineer, when such a design is
- 13 | required by extreme environmental or topographical conditions or
- 14 | unusually or irregularly shaped boundaries.
- 15 | 6. **Alleys**
- 16 | Dead-end alleys shall be prohibited.
- 17 | 7. **Street Names and Addresses**¹⁰¹³
- 18 | a. The subdivider shall provide names for all new streets in the
- 19 | subdivision, which names shall neither duplicate, nor be subject to
- 20 | confusion with, the spelling or the pronunciation of any existing street
- 21 | name in the Municipality. The subdivider's selection of street names
- 22 | shall be subject to review by the Director ~~of Public Works~~ or his
- 23 | designee, who may reject any proposed street name that does not
- 24 | conform to this section or to any regulation promulgated pursuant to
- 25 | this section. The Municipality shall name all streets that are
- 26 | peripheral to the subdivision and all extensions of existing streets into
- 27 | the subdivision. Where a new street extends or continues an existing
- 28 | street, the name of the existing street shall be used for the new street.
- 29 | b. Pursuant to ~~Chapter~~AMC ~~chapter~~ 3.40, the Director ~~of Public Works~~
- 30 | may promulgate regulations establishing a uniform street designation
- 31 | terminology. All street names shall conform to the terminology so
- 32 | established.
- 33 | c. Street names may be modified using the procedure ~~in Section~~
- 34 | 21.03.170, Street Name Alterations adopted by the Director.
- 35 | 8. **Street Addresses**¹¹¹⁴
- 36 | a. The Director ~~of Public Works, or his designee,~~ shall assign all official
- 37 | street address numbers within the Municipality. A permanent address
- 38 | shall be assigned only for property that is subject to a plat filed in
- 39 | accordance with law depicting the dedicated right-of-way serving the
- 40 | property.

⁹ NOTE: Existing AMC 21.80.240, with adjustments specifying cul-de-sac lengths based upon area types.

¹⁰ NOTE: Existing 21.80.260 with only minor clarifications.

¹¹ NOTE: Existing 21.80.270, with only minor clarifications. Staff has suggested relocating this provision elsewhere in the code, but this appears to be the most appropriate location unless the material is given its own new section in Chapter 21.07.

- 1 | b. Pursuant to ~~Chapter~~AMC chapter 3.40, the Director ~~of Public Works~~
2 | may promulgate regulations establishing uniform street address
3 | numbering technology and procedures. All street addresses shall
4 | conform to the numbering technology and procedures adopted by
5 | regulation, unless unusual or exceptional circumstances warrant
6 | utilization of alternate technology or procedures.

7 | **G. Block Arrangement**⁴²¹⁵

- 8 | 1. Blocks shall have sufficient width to provide for two tiers of lots of depth
9 | meeting the minimum requirements of this ~~Title~~title, except where lots back
10 | onto a collector or greater street, natural feature, or subdivision boundary, or
11 | where lots face an approved loop road or cul-de-sac.
- 12 | 2. Residential blocks in Class A improvement areas (as defined in 21.08.050.B)
13 | shall not be less than 300 feet wide nor more than 500 feet long. Residential
14 | blocks in Class B improvement areas shall not be less than 300 feet nor more
15 | than 1,320 feet long.^{43 16} The Platting Authority may approve a longer block
16 | length when necessary to accommodate natural features such as steep
17 | slopes.

18 | **H. Lot Dimensions**⁴⁴¹⁷

19 | Subject to the lot dimensions and area requirements of ~~Chapter~~chapter 21.06, all lots
20 | shall have the minimum dimensions required by this section.

- 21 | 1. The depth of a lot shall be at least ~~400~~80 feet.¹⁸
- 22 | 2. The width of a corner lot shall be at least 50 feet.
- 23 | 3. The width of a lot shall be at least one-third the depth of the lot.
- 24 | 4. If a lot is to be served by an on-site wastewater disposal system, the lot must
25 | have the minimum area required for such a lot under ~~Chapter~~AMC chapter
26 | ~~15.65 of the Anchorage Municipal Code.~~
- 27 | 5. Notwithstanding any other provision of this section, the width of the flagpole
28 | portion of a flag-shaped lot shall be no less than:
- 29 | a. Thirty feet when both public water and sewer systems are to serve
30 | such a residential lot.
- 31 | b. Forty feet when both public water and sewer systems are to serve
32 | such a commercial or industrial lot.
- 33 | c. ~~Twenty~~four feet when only a public water or a public sewer system is
34 | to serve such a lot.

¹² NOTE: This section combines the provisions from existing 21.80.280 and 290, with minor clarifications.

¹³ NOTE: This section may need to be revisited once the new development standards are finalized. For example, a minimum block length of 200 feet has been proposed for the mixed-use districts; if that standard is adopted, then this standard should be lowered to 200 to be consistent.

¹⁴ NOTE: This section combines 21.80.300 and 320.

2. If a landscaping easement is required, ~~no more than 50 percent of such easement~~ shall ~~not~~ coincide with any utility easement~~—, per the requirements of 21.07.080G.2.c.~~

K. Reserve Strips¹⁷²¹

Privately owned strips may not be reserved to control access to public rights-of-way.

L. Electrical and Telecommunication Utilities¹⁸²²

The width and alignment of transmission easements within subdivisions shall conform to the ~~utility corridor plan~~ Utility Corridor Plan. The Platting Authority shall preclude structures or uses of land within or beneath areas of electrical or telecommunications ground or aerial easements that are incompatible with electrical distribution or transmission facilities.

M. General Subdivision Standards Are Minimum Standards¹⁹²³

1. The design standards in this chapter are minimum standards. The Platting Authority may impose more restrictive standards when it finds they are necessary to conform the design of a proposed subdivision to ~~sound engineering or design standards or other standards~~ the approval criteria for subdivisions set forth in this ~~Title~~ title.

2. When the Platting Authority finds that it is not feasible to conform the design of a proposed subdivision to ~~the standards of~~ meet the approval criteria for subdivisions set forth in this ~~section~~ title, the Platting Authority may reject a proposed subdivision in its entirety.

21.08.040 DEDICATION

~~A. Public Open Space Dedication and Fees In Lieu²⁰~~

A. ~~Public open space and/or fees in lieu thereof shall be provided pursuant to sub~~Streets²⁴

~~Except as provided in~~ section 21.07.030.B., ~~Public Open Space Dedication and Fees in Lieu.~~

~~B. Streets²⁴~~

1. ~~Except as provided in Section 21.03.070, Conditional Uses, and 21.03.080, Site Plan Review,~~ all street rights-of-way shall be dedicated to the public.

2. Street right-of-way widths shall conform to the Official Streets and Highways Plan (OS&HP), provided that the maximum dedication width that may be required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision. These standards are considered to be minimum

¹⁷ NOTE: Existing 21.80.350.

¹⁸ NOTE: Existing 21.80.400, with no changes.

¹⁹ NOTE: Existing 21.80.390, with minor adjustments.

²⁰ NOTE: New standards are located in the Development Standards chapter.

²⁴ NOTE: Based on the existing 21.80.010.

standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles. When steep slopes or other terrain features dictate, slope easements that exceed normal right-of-way requirements will also be required.

3. The Platting Authority may approve the dedication of a half-street only when the other half of the street has been dedicated or when the Platting Authority reasonably anticipates that the other half of the street will be dedicated. When a subdivision borders a dedicated half street, the Platting Authority shall require the dedication of the other half of the street, unless it determines that the street would be unnecessary or undesirable.

B. Alleys²²²⁵

The Platting Authority may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

C. Walkways²³²⁶

The Platting Authority ~~may~~ shall require the dedication of pedestrian walkways where it finds that pedestrian walkways are necessary to convenient pedestrian circulation or to protect pedestrians from hazardous traffic. The minimum width of a walkway dedication shall be ~~20~~ 10 feet. If the walkway is paved, the paving shall be a minimum of four feet and a maximum of six feet wide.

D. Trails²⁴²⁷

The Platting Authority shall require the dedication of an easement for a trail designated on adopted municipal plans when it finds that the trail cannot be located in an existing dedicated easement or right-of-way. The Platting Authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision design.

E. Riparian Protection and Maintenance Easements²⁵²⁸

1. The Platting Authority shall require the dedication of riparian maintenance and protection easements where a ~~river,~~ stream, ~~creek,~~ important surface watercourse~~waterbody~~, or ~~drainage course~~wetland traverses or is adjacent to the subdivision.

- ~~2.~~ The easement shall conform substantially to the line of the watercourse. The width of the easement shall be that which the Platting Authority finds necessary to

²² NOTE: Existing 21.80.020.

²³ NOTE: Based on the existing 21.80.030. Staff recommends increasing the minimum width from 10 to 20 feet.

²⁴ NOTE: Existing 21.80.060. This is a standard provision and it should be adequate to ensure that access to Chugach State Park is preserved during design of subdivisions that abut the park. Specific access points to the park have been identified in a state document ("Chugach State Park Access Inventory") but that document has not been adopted by the Municipality.

²⁵ NOTE: This section carries forward the current 21.80.040. One issue to consider is whether or not this land needs to be dedicated. Typically, other municipalities do not require dedication of the riparian buffer area, they simply limit land disturbing activity and construction within the riparian buffer, as is done in the new stream protection section in 21.07. It also would be possible to maintain the 25 foot maintenance easement and add an additional 75 feet of buffer which is not to be dedicated, but maintained by the developer or an HOA. The current draft takes this latter approach, by requiring a 25-foot easement but also imposing some development restrictions on areas larger than 25 feet.

1 provide access to widen, deepen, slope, improve, and maintain the stream,
2 and to protect the stream and adjacent property from soil erosion, flooding,
3 water pollution, and destruction of fish and wildlife habitat.

- 4 2. ~~All riparian protection and maintenance easements. At a minimum, the~~
5 ~~easement shall be at least 25 feet wide on either side of the stream,~~
6 ~~measured landward from the outer edge of same as the stream bed, identified~~
7 ~~by applicable setback required in the ordinary high water mark; provided that~~
8 ~~all stream maintenance and protection easements along watercourses or~~
9 ~~drainage courses less than five feet at ordinary high water shall be at least 25~~
10 ~~feet wide, on either side of the thread of the stream. zoning district, as set~~
11 ~~forth in section 21.07.020.B.4., Buffer/Setback Requirements.~~
- 12 3. Section 21.07.020.B., *Stream, Waterbody, and Wetland Protection*, sets forth
13 additional restrictions on development and the use of land and structures
14 within the easement and, in some districts, beyond the easement.
- 15 4. In cases where two or more easements coincide, the outer limits of the
16 combined easement shall be measured from the outer edge of the outermost
17 watercourse edge in either direction.
- 18 5. Credit towards other open space dedication or private open space set-aside
19 requirements shall be given for the dedication of riparian protection and
20 maintenance easements at a ~~ratio~~ of ~~4 one-to-1 one~~.
- 21 6. ~~For purposes of this section, maintenance shall include, but not be limited to:~~
22 ~~placement of riprap, re-vegetation, debris removal, glaciation control, grading~~
23 ~~and sediment removal, protection of adjacent or downstream land from~~
24 ~~flooding, soil stabilization, and erosion control. Access for maintenance shall~~
25 ~~be allowed within the closest 15 feet of the setback to the stream.~~
26 ~~Appropriate permits may still be required for in-stream or floodplain activities.~~

27 F. Utility Easements²⁹

- 28 1. ~~Utilities~~Public utilities shall be placed in dedicated rights-of-way whenever
29 possible.
- 30 2. In situations where utilities may not be placed within rights-of-way, easements
31 shall be provided for utilities, and shall be centered along or adjacent to lot
32 lines to the greatest extent practicable.
- 33 3. Utility easements shall not be placed in ~~tree retention areas, public required~~
34 ~~landscaping~~ or ~~private required~~ open space areas, ~~or where landscaping is to~~
35 ~~be provided~~, except where necessary to cross such areas.
- 36 4. ~~Utility easements shall be sized according to the following standards:~~
- 37 4. Utility ~~easements along rear lot lines shall be at least ten feet wide, or a total~~
38 ~~of 20 feet wide along adjoining rear lots. Corridor Plan.~~
- 39 ~~a. The Platting Authority may require the dedication of utility easements when~~
40 ~~a utility company demonstrates a specific need for them or an~~
41 ~~easement is needed to accommodate the routing included in the~~

Utility easements along side lot lines shall be five feet wide, or a total of ten feet wide along adjoining side lots.

b. Where a front yard easement is needed to accommodate a transmission utility, which is included in the utility corridor plan, the easement shall generally be ten feet wide.

c. The Platting Authority may require wider utility easements along the rear lot lines of hillside lots.

5. The Platting Authority may require the dedication of utility easements when a utility company demonstrates a specific need for them or an easement is needed to accommodate the routing included in the utility corridor plan Corridor Plan.

21.08.050 IMPROVEMENTS

A. General Requirements²⁶³⁰

1. The subdivider shall construct and install improvements in accordance with this section, the design standards in Section section 21.08.030, and the current Design Criteria Manual and M.A.S. Municipality of Anchorage Standard Specifications.

2. The improvement standards in this section are minimum standards. The Platting Authority may require additional or more extensive improvements when it finds they are necessary to conform a proposed subdivision to the standards of Section section 21.08.030, or the subdivider may provide such additional or more extensive improvements.

3. All improvements required under this section shall be constructed under a subdivision agreement as provided in Section section 21.08.060, Subdivision Agreements. Lots in subdivisions shall not be eligible for building permits until the improvements included in this section have been accepted for warranty by the Municipality.

4. The subdivider shall have construction plans for the improvements required under this section prepared by an engineer registered in the state, in accordance with the requirements of the Municipal Engineer.

B. Improvement Areas Defined²⁷³¹

For the purpose of this section, the Municipality is divided into two distinct improvement areas. The Class A improvement area includes areas of more dense population and thus requires a more urbanized level of improvements. The Class B improvement area includes areas that are less densely populated and thus requires a less urbanized level of improvements. The zoning districts associated with each improvement area are listed in the table below:

²⁶ NOTE: Existing 21.85.010.

²⁷ NOTE: Existing 21.85.020 summarized in a new table.

| TABLE 21.08-1: IMPROVEMENT AREAS DEFINED | | |
|---|--|---|
| District Type | Class A | Class B |
| Residential | R-1 R-2 R-3 R-4 R-7 | R-5 R-6 R-9 R-10 |
| Commercial | C-2A C-2B C-2C CC AC CBD MC | |
| Industrial | IC I-1 I-2 MI | |
| Mixed Use | RMX NMU CCMU RCMU RMXMMU | |
| Other Districts | AD | TA OL AF W PR |
| AF District OL District PLI District PR District | <u>The Platting Authority shall place a subdivision within any of these districts in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.</u> | |

1
2
3
4
5

C. Improvement Requirements by Improvement Area²⁸³²

The subdivider or developer shall construct and install the required improvements prescribed by this section for the improvement area where the subdivision is located in accordance with the table below:

| TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA | | |
|--|---------|---------------------------|
| R = Improvement Required | | |
| Improvement | Class A | Class B |
| Paved Interior Streets | R | |
| Strip-Paved Access and Peripheral Streets | R | R |
| Gravel Strip-Paved Interior Streets | | R |
| Gravel Access and Peripheral Streets | | R²⁹ |

²⁸ NOTE: Existing 21.85.030 summarized in a new table.

²⁹ NOTE: There is discussion amongst staff members on whether or not to keep this option or to require paved access and peripheral streets. One staff comment: "Almost all roads in Chugiak Eagle River are currently strip paved using recycled asphalt by CERBRRSA. This is a very effective control strategy for dust pollution prevention. It doesn't make sense to allow gravel roads

TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA

R = Improvement Required

| Improvement | Class A | Class B |
|-----------------------------------|---------|---------|
| Curbs and Gutters | R | |
| Sidewalks | R | |
| Walkways | R | R |
| Street Lighting | R | |
| Traffic Control Devices | R | R |
| Monuments | R | R |
| Drainage | R | R |
| Telephone & Electrical Facilities | R | R |
| Water Supply Facilities | R | |
| Sanitary Sewer Facilities | R | |
| Landscaping | R | R* |

** Improvement requirements may differ by improvement area*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. Interior Streets³⁰³³

1. Residential Interior Streets

a. Categories

There are two categories of residential interior streets:

i. Residential Minor Streets

Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include cul-de-sacs or small loops carrying 500 average daily trips.

ii. Residential Major Streets

Residential major streets are access streets that provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on residential major streets with average daily trips in excess of 1,000 should be restricted.

b. Determination of Average Daily Trips³⁴

For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying trip rates from the most current Institute of Transportation Engineers Trip Generation Manual. ~~The manual specifies that the following formula shall be applied to each lot or tract to which the street gives~~

~~to be built and then have CERBRSA come back and RAP it later. MOA Traffic Department recommends requiring rural area roads to be strip paved."~~

³⁰ ~~NOTE: Based on the existing 21.85.050. The tables addressing street standards at the end of the chapter have been relocated and renumbered for inclusion in this section.~~

1
2

3
4
5
6
7

access, using the maximum residential density permitted for the lot or tract by its zoning district.³⁴

TABLE 21.08-3: DETERMINATION OF AVERAGE DAILY TRIPS

| Housing Type | Average Daily Trips per Dwelling Unit |
|--|---------------------------------------|
| Dwelling, single-family detached | 8.2 |
| Dwelling, two-family (duplex, townhouse) | 8.0 |
| Dwelling, multiple-family (townhouse, apartment) exceeding 2 units | 7.3 |
| Mobile-home | 5.5 |

c. Improvement Design

Interior residential streets, except as provided in subsection 21.08.050.D., shall be improved in accordance with Table 21.08-4 and Table 21.08-5.

TABLE 21.08-4: URBANPAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

| A.D.T. (2) | Street Section (1) (feet) | | Number of Lanes | | Max. Design Speed (3) (mph) (4) | Right of Way (feet) | Spillover Parking (5) | Application |
|--|---------------------------|-------------------|------------------------------|------------------------------|---------------------------------|--------------------------------|---------------------------------|--|
| | Standard | Optional | Moving | Parking | | | | |
| 0-75 Residential minor | 30 | 24 | 2 2 | 4 0 | 20 20 | 60 60 | No Yes | Cul-de-sacs, low-volume residential streets |
| 75-300 Residential minor | 30 | 24 | 2 2 | 4 0 | 25 25 | 60 60 | No Yes | Residential minor streets, cul-de-sacs and small loops |
| 300-600 Residential minor | 33 | 24 | 2 2 | 2 0 | 25 25 | 60 60 | No Yes | Residential minor streets, loop streets, high-volume cul-de-sacs |
| 600-1,000 Residential major | 33 | 28 | 2 2 | 2 4 | 25 25 | 60 60 | No Yes | Residential major streets, loop streets and high-volume cul-de-sacs |
| 1,000-2,000 | 36 (6) | 24 (6) | 2 | 0 | 25 | 60 | Yes | Residential limited access |
| | | | 2 | 2 | 30 | 60 | No | Residential subconnector |
| 0-75 Residential minor | 30 | | 2 | 1 | 20 | 60 | No | Cul-de-sacs, low-volume residential streets |
| | | 24 | 2 | 0 | 20 | 60 | Yes | |
| 75-300 | 30 | | 2 | 1 | 25 | 60 | No | Residential minor |

³⁴ NOTE: If the reference to the ITE manual is included, the table is unnecessary. However, some staff members find the table to be helpful to code users and suggest keeping it in, so long as there are not big changes in the manual's requirements over time.

TABLE 21.08-4: ~~URBANPAVED~~ RESIDENTIAL STREETS, MINIMUM STANDARDS

| A.D.T. (2) | Street Section (1) (feet) | | Number of Lanes | | Max. Design Speed (3) (mph) (4) | Right of Way (feet) | Spillover Parking (5) | Application |
|-------------------------------------|------------------------------|---------------|-----------------|----------|------------------------------------|------------------------|--------------------------|--|
| | Standard | Optional | Moving | Parking | | | | |
| <u>Residential minor</u> | | <u>24</u> | <u>2</u> | <u>0</u> | <u>25</u> | <u>60</u> | <u>Yes</u> | <u>streets, cul-de-sacs and small loops</u> |
| <u>300--600 Residential minor</u> | <u>33</u> | | <u>2</u> | <u>2</u> | <u>25</u> | <u>60</u> | <u>No</u> | <u>Residential minor streets, loop streets, high-volume cul-de-sacs</u> |
| | | <u>24</u> | <u>2</u> | <u>0</u> | <u>25</u> | <u>60</u> | <u>Yes</u> | |
| <u>600--1,000 Residential major</u> | <u>33</u> | | <u>2</u> | <u>2</u> | <u>25</u> | <u>60</u> | <u>No</u> | <u>Residential major streets, loop streets and high-volume cul-de-sacs</u> |
| | | <u>28</u> | <u>2</u> | <u>1</u> | <u>25</u> | <u>60</u> | <u>Yes</u> | |
| <u>1,000--2,000</u> | <u>36 (6)</u> | <u>24 (6)</u> | <u>2</u> | <u>0</u> | <u>25</u> | <u>60</u> | <u>Yes</u> | <u>Residential limited access</u> |
| | | | <u>2</u> | <u>2</u> | <u>30</u> | <u>60</u> | <u>No</u> | <u>Residential subconnector</u> |
| | | <u>36 (6)</u> | <u>3 (7)</u> | <u>0</u> | <u>30</u> | <u>60</u> | <u>Yes</u> | <u>No on-street parking permitted</u> |

NOTES:

- (1) Street dimensions are from back of curb.
- (2) See subsection 21.08.050.D.1.b., *Determination of Average Daily Trips*.
- (3) Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.
- (4) Design speed (not posted speed) for vertical and horizontal curves.
- (5) Spillover parking; homeowners' association required. See subsection 21.08.050.E below.
- (6) Vertical face curb; rolled curb may be substituted when sidewalk is detached.
- (7) Center turning landlane required.

1

TABLE 21.08-5: STRIP-PAVED ~~AND GRAVEL~~ STREETS, MINIMUM STANDARDS

| A.D.T. | Street Section (1) (3) (feet) | Maximum Design Speed (2) (mph) | Right-of-Way (feet) | Application |
|--------------|----------------------------------|-----------------------------------|------------------------|---|
| 0--500 | 20 | 20 | 50 | Residential loop streets, rural peripheral/access roads |
| 500--1,000 | 24 | 25 | 50 | Residential loop streets, urban peripheral/access roads |
| 1,000--2,000 | 24 | 25 | 60 | Major residential streets |

(1) Dimensions are from edge of pavement, ~~or future pavement in the case of gravel streets~~
 (2) Design speed (not posted speed) for horizontal and vertical curves
 (3) Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively

2

2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with Table 21.08-6 and Table 21.08-7 below:

3

4

5

6

TABLE 21.08-6: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

| Street Section (1) (feet) | Number of Lanes | | Maximum Design Speed (2) (mph) | Right-of-Way (feet) | Application |
|---------------------------|-----------------|---------|--------------------------------|---------------------|--|
| | Moving | Parking | | | |
| 36(V) | 2 | 2 (3) | 30 | 60 | Commercial/industrial streets |
| 36(V) | 3(1TL) | 0 | 35 | 60 | Major commercial/industrial streets; no on-street parking permitted; parking must be provided off-street |
| 40(V) | 3(1TL) | 0 | 35 ³²³⁵ | 60 | Limited application for commercial and industrial areas for turning movements when traffic warrants |

(1) Street dimensions are from back of curb
 (2) Design speed (not posted speed) for vertical and horizontal curves
 (3) Parking may be provided off-street when a planter strip is used

1

TABLE 21.08-7: CLASS B COMMERCIAL/INDUSTRIAL STREETS, MINIMUM STANDARDS

| Street Section (1) (feet) | Design Speed (2) (mph) | Right-of-Way (feet) | Application |
|---------------------------|------------------------|---------------------|---|
| 20 | 20 | 50 | Commercial/industrial low traffic volume loop streets and cul-de-sacs, 4-foot shoulders required both sides |
| 24 | 35 | 60 | Major commercial/industrial streets, 4-foot shoulders required both sides |

(1) Dimensions are from edge of pavement, or future pavement
 (2) Design speed (not posted speed) for vertical and horizontal curves

2

E. Optional Residential Interior Streets³³³⁶

3

1. Residential interior streets shall provide for on-street parking unless the Platting Authority finds it is practical to substitute spillover parking for on-street parking in accordance with subsection 21.08.050.E.2. below. If the Platting Authority so finds, residential interior streets may be improved in accordance with this section and Table 21.08-4.
2. The Platting Authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining spillover parking facilities.
3. Spillover parking substituted for on-street parking shall conform to the design standards in ~~Section~~ Section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking areas shall be subject to approval of the Traffic Engineer. The spillover parking area shall be shown on the plat, and a plate note shall be provided limiting the use of that area to spillover parking.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

³² ~~NOTE: The current code does not specify the maximum design speed and right of way for 40 foot streets. The draft table carries forward the standards for 36 foot streets for discussion purposes.~~

³³ ~~NOTE: This section carries forward the provisions from AMC 21.85.050 Interior streets with only minor alterations.~~

1 Spillover parking areas shall not be counted toward required open space
2 requirements. Spillover parking spaces in addition to the off-street parking
3 spaces required under ~~Section~~ Section 21.07.090 shall be provided for each lot
4 fronting on a street without on-street parking under the following formula,
5 using the maximum residential density permitted for the lot by its zoning
6 district.

TABLE 21.08-8: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING

| Housing Type | Average Daily Trips per Dwelling Unit <u>Number of Spaces</u> |
|---|---|
| Dwelling, single-family detached | 1.5 |
| Dwelling, single-family attached (1 to 4 units) | 1.0 |
| Dwelling, multiple-family (exceeding 4 units) | 0.5 |

7
8 **F. Access Streets, Peripheral Streets, and Half Streets**³⁴³⁷

9 **1. Access Streets**

10 The Platting Authority may require access streets when it finds that they are
11 necessary for the efficient flow of traffic or for emergency vehicle access. The
12 Platting Authority shall determine the length of the access street that the
13 subdivider shall improve. Access streets shall be improved in accordance
14 with Table 21.08-5.

15 **2. Peripheral Streets**

16 **a.** The Platting Authority may require the improvement of peripheral
17 streets when it finds that they are necessary for the efficient flow of
18 traffic or for emergency vehicle access.

19 **b.** Peripheral streets whose improvement is required under this
20 subsection shall be improved in accordance with Table 21.08-5,
21 provided that peripheral streets used for access to individual lots shall
22 be improved in accordance with Tables 21.08-4 and 21.08-6.

23 **3. Half Streets**

24 The Municipal Engineer or the Platting Authority may require the improvement
25 of a half street in the urban area to one-half of the street width specified in
26 Table 21.08-4, if underground utilities will be installed before street
27 construction.

³⁴ ~~NOTE: Existing 21.85.070.~~

G. Curbs and Gutters³⁶³⁸

Where required, the subdivider shall construct curbs and gutters in accordance with the Design Criteria Manual and ~~M.A.S.S., unicipality of Anchorage Standard Specifications (MASS)~~, or, in the case of a state-maintained road, the current standard specifications of the state department of Transportation and Public Facilities. Curbs shall be of the ~~American Association of State Highway and Transportation Officials (AASHTO)~~ vertical type.

H. Sidewalks³⁶³⁹

1. The placement of sidewalks shall be determined by the transportation and connectivity standards in ~~Section~~section 21.07.060.
2. Sidewalks shall be improved in accordance with Table 21.08-9 below:

| TABLE 21.08-9: MINIMUM SIDEWALK AND WALKWAY IMPROVEMENTS | | | | | |
|--|----------------------|------------------|------------------|---------------------|---|
| Type | Minimum Width (feet) | 50' Right-of-Way | 60' Right-of-Way | Right-of-Way (feet) | Remarks |
| 4" PCC | 5 | 0 | 0 | N/A | Attached to curb |
| 4" PCC | 5 | 5 | 5 | N/A | Detached* |
| 1 1/2" AC | 5 | 5 | 5 | N/A | Detached* |
| 4" PCC | 5 | N/A | N/A | 10 | Not recommended where peat is surcharged |
| 1 1/2" AC | 5 | N/A | N/A | 10 | Paved walkways |
| Gravel | 5 | N/A | N/A | 10 | For rural and suburban <u>Class B improvement</u> areas or nature trails |

* Additional information may be required if need demonstrated.

I. Walkways

Walkways, and trails not part of required trail dedications, shall be improved in accordance with Table 21.08-9.

J. Street Lighting⁴⁰

~~Street lighting shall conform to the requirements in the Design Criteria Manual.~~

~~**K. Traffic Control Devices³⁷**~~

~~**1. Traffic Signs**~~

~~Traffic signs shall be installed in accordance with the requirements of the Traffic Engineer. Street lighting apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the~~

³⁶ ~~NOTE: Based on the existing 21.85.080. A major new change is the suggested vertical curb requirement, rather than the current standard practice of rolled curbs. This could be controversial, since vertical curbs allow for less subsequent flexibility for driveways. Further discussion will be needed.~~

³⁶ ~~NOTE: The standards from the existing 21.85.090 have been relocated to the development standards chapter to be made applicable beyond subdivisions. Table E has been relocated to this section.~~

³⁷ ~~NOTE: Based on the existing 21.85.120.~~

1 streetlight poles shall be approved by the Traffic Engineer and shall comply with
2 standards contained in the current volumes of American Standard Practice for Street
3 and Highway Lighting, published by the Illuminating Engineering Society.

4 **K. Traffic Control Devices⁴¹**

5 Traffic and street name signs shall be installed in accordance with the
6 requirements of the Traffic Engineer.

7 **2.Traffic Signals**

8 Traffic and traffic signals shall be installed in accordance with the requirements of the
9 Traffic Engineer— and the Alaska Traffic Manual, per the requirements of A.S.
10 28.01.010.

11 **L. Monuments³⁸⁴²**

12 Monuments and lot corner markers for determining the boundaries of subdivisions and
13 lot corners shall be set inby a professional mannerregistered land surveyor licensed
14 by the State of Alaska. Survey monumentation shall conform to such additional
15 standards as the Municipal EngineerSurveyor may establish by regulation under
16 ChapterAMC chapter 3.40of the Anchorage Municipal Code.

17 **M. Drainage System³⁹⁴³**

18 A drainage system approved by the Municipal Engineer and the Department of Health
19 and Human Services, including necessary storm drainage facilities, drain inlets,
20 subdrains, footing drain stub-outs, manholes, culverts, bridges and other
21 appurtenances, shall be installed. The design of the drainage system shall provide for
22 the preservation of designated high-quality wetlands critical to water table levels and
23 wildlife habitat within and surrounding the subdivision, and shall comply with the
24 following standards:

- 25 1. No surface water drainage from the subdivision shall empty into a sanitary
26 sewer; or directly, without treatment and energy dissipation, into a creek or
27 stream channel.
- 28 2. The size, design, and construction of drainage structures shall conform to the
29 requirements set forth by the Municipal Engineer.
- 30 3. Where a subdivision is traversed by a watercourse, drainage way, channel, or
31 stream, a stormwater or drainage easement shall be provided that
32 substantially conforms with the lines of such watercourse, plus additional
33 width that is adequate and necessary to convey expected storm flows and/or
34 stormwater drainage facilities. Streets paralleling such easement may be
35 required in connection therewith. Lakes, ponds, creeks, and similar areas will
36 be accepted for maintenance by the Municipality only if sufficient land is
37 dedicated as a public recreation area or park or if such area constitutes a
38 necessary part of the stormwater drainage control system.

³⁸ NOTE: Based on the existing 21.85.030.

³⁹ NOTE: This section is based on the existing 21.85.140, but it has been supplemented with additional standards to protect surface waters and address municipal maintenance.

- 1 4. The Municipality shall accept no responsibility to maintain any storm drainage
2 structures, except for those lying within a municipal right-of-way or traversing
3 municipally owned property.
- 4 5. The drainage system shall comply with the standards set forth in
5 ~~Section~~ section 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*.
- 6 6. ~~Telephone~~ No more than 20 percent of the pre-development runoff volumes
7 shall be diverted from the original U.S. receiving water unless approved by
8 the Municipal Engineer.
- 9 7. Unless waived by the Municipal Engineer, footing drain stub-outs shall be
10 provided for each lot where there is a storm drain system.

11 **N. Telecommunication and Electric Facilities⁴⁰⁴⁴**

- 12 1. All new ~~telephone~~ telecommunication and electric lines shall be installed in
13 accordance with the specifications of the Municipality and the utility providing
14 the service.
- 15 2. All new ~~telephone~~ telecommunication and electric utility distribution lines, as
16 defined in ~~Chapter~~ chapter 21.13, shall be placed underground:
- 17 a. As required by ~~Section~~ section 21.07.050, *Utility Distribution Facilities*;
18 and
- 19 b. As required by the Platting Authority in areas with patterns of
20 development similar to those where ~~Section~~ section 21.07.050
21 requires that utility distribution lines be placed underground.

22 **O. Water Supply Facilities⁴⁴⁴⁵**

- 23 1. **Access to Public Water System**
- 24 a. If the Platting Authority requires that a subdivision be served by a
25 public water system, the subdivider shall install the system in
26 accordance with the requirements of the state Department of
27 Environmental Conservation and the most current edition of the
28 Design Criteria for Sanitary Sewer and Water Improvements of the
29 municipal water and wastewater utility.
- 30 b. Where connection to public water supply systems is required, such
31 systems shall be dedicated to the Municipality for operation and
32 maintenance, thus allowing for the orderly expansion of the
33 Municipality, its water systems, and fire protection services that
34 protect the health of the citizens of the Municipality.
- 35 2. **No Access to Public Water System**
- 36 a. If the subdivision has no access to a public water system, the Platting
37 Authority may require the subdivider to install a water system for the
38 common use of the lots in the subdivision. The subdivider shall install
39 the system in accordance with the requirements of the state

⁴⁰ ~~NOTE: Existing 21.85.150.~~

⁴⁴ ~~NOTE: Existing 21.85.160. 1.b. is new.~~

1 department of Environmental Conservation and the specifications of
2 the municipal water and wastewater utility.

- 3 b. If the subdivision has no access to a public water system, and the
4 Platting Authority finds that a water system for the common use of lots
5 in the subdivision is not feasible and desirable, the subdivider need
6 not install water supply facilities. A well serving an individual lot shall
7 conform to the requirements of ~~the Department of Health~~Municipal
8 On-Site Water and ~~Human Services~~Wastewater Program. A
9 common water system serving a portion of the subdivision shall not
10 preclude individual wells for the remaining lots.

11 **P. Sanitary Sewer Facilities⁴²⁴⁶**

12 **1. Access to Public Sewer System**

- 13 a. If the Platting Authority or provisions of law require that a subdivision
14 be served by a public sewer system, the subdivider shall install the
15 system in accordance with the requirements of the state Department
16 of Environmental Conservation and the most current edition of the
17 Design Criteria for Sanitary Sewer and Water Improvements of the
18 municipal water and wastewater utility.
- 19 b. Where connection to public sanitary sewer systems is required, such
20 systems shall be dedicated to the Municipality for operation and
21 maintenance, thus allowing for the orderly expansion of the
22 Municipality and its sanitary sewer system, which protects the health
23 of the citizens of the Municipality.

24 **2. No Access to Public Sewer System**

- 25 a. If the subdivision has no access to a public sewer system, the Platting
26 Authority may require the subdivider to install a sewer system for the
27 common use of lots in the subdivision.
- 28 b. If the subdivision has no access to a public sewer system, ~~and the~~
29 ~~Platting Authority finds that a sewer system for the common use of~~
30 ~~lots in the subdivision is not feasible and desirable,~~ the subdivider
31 need not install sewer facilities. A sewage disposal system serving
32 an individual lot shall conform to the requirements of ~~the department~~
33 ~~of Health and Human Services~~Municipal On-Site Water and
34 Wastewater Program.

35 **Q. Erosion and Sedimentation Control⁴³⁴⁷**

36 All grading, excavating, and removal or destruction of natural topsoil, trees, or other
37 natural vegetation shall conform to an erosion and sedimentation control plan
38 prepared by the subdivider and approved by the Department of ~~Public Works~~Project
39 Management and Engineering before the work may commence. The plan shall
40 conform to the requirements of ~~Section~~section 21.07.040, *Drainage, Stormwater*
41 *Runoff, Erosion Control*, as well as municipal guidelines and policies contained in *Soil*
42 *Erosion and Sediment Control Manual*, and any other applicable guidelines and

⁴² NOTE: Existing 21.85.170, 1.b. is new.

⁴³ NOTE: The material in 21.85.180, *Erosion and sedimentation control*, has been relocated to Chapter 21.07 so that its applicability extends beyond the subdivision process.

1 policies approved by the Department of ~~Public Works~~Project Management and
2 ~~Engineering~~.

3 **R. Landscaping**

4 The subdivider shall be responsible for the provision of landscaping required under
5 ~~Section~~section 21.07.080, *Landscaping, Screening, and Fences*, and it shall be
6 installed by the subdivider or guaranteed under the provisions of subsection
7 21.08.060.E or other performance guarantees acceptable to the authority.
8 Landscaping shall be provided on an individual lot basis not later than the issuance of
9 a final certificate of occupancy.

10 **S. Natural Gas Facilities**⁴⁴⁴⁸

11 All new natural gas facilities installed pursuant to this section shall be installed in
12 accordance with the standard specifications of the Municipality and the utility providing
13 the service.

14 **21.08.060 SUBDIVISION AGREEMENTS**⁴⁵⁴⁹

15 **A. Agreement Required; Application; Contents**

16 **1. Agreement Required**

17 Before a final plat for a subdivision where improvements are required under
18 ~~Section~~section 21.08.050 is approved or filed, the subdivider shall enter into a
19 subdivision agreement with the Municipality in accordance with this section.
20 The Municipality reserves the right to refuse to enter into a subdivision
21 agreement with any subdivider who fails to comply with the conditions of an
22 active agreement, or is delinquent in the payment of any account with the
23 Municipality.⁵⁰

24 **2. Application**

25 Application for a subdivision agreement shall be made to the Department of
26 ~~Public Works~~Project Management and Engineering. The application shall
27 include a copy of the preliminary plat, a tentative schedule of all proposed
28 construction of public improvements and utilities, and an engineer's estimate
29 of the cost of each required public improvement. The engineer's estimate
30 shall be based on the most current average bid tab calculations of the
31 Municipality. The Municipality may require a showing of the subdivider's
32 financial responsibility.

33 **3. Contents**

34 Except as provided in subsection 21.08.060.A.4. below, the subdivision
35 agreement shall include but need not be limited to the following provisions:

- 36 a. A designation of the public improvements required to be constructed.
- 37 b. The construction and inspection requirements of the Municipality or
38 utility for which the improvements are constructed.

⁴⁴ ~~NOTE: Based on the existing 21.85.200.~~

⁴⁵ ~~NOTE: As discussed in the Annotated Outline, we heard no comments on the Subdivision Agreement section. We have reviewed the provisions and they are fairly straightforward and no issues or concerns are immediately apparent. This section carries forward the substance of the existing Chapter 21.07 with no major changes.~~

- 1 c. The time schedule for completing the improvements.
- 2 d. The guaranty required by subsection 21.08.060.E.
- 3 e. A schedule for any payments required under this section.
- 4 f. The allocation of costs between the Municipality and the subdivider
5 for required public improvements.
- 6 g. The warranty required by subsection 21.08.060.G.
- 7 h. The consent of the subdivider for the ownership of specified public
8 improvements to vest with the Municipality upon final acceptance by
9 the Municipality.
- 10 i. A warranty that the subdivider has title to the subdivision property and
11 the authority to execute the subdivision agreement.
- 12 j. Where the subdivision is within the regulatory floodway, a
13 requirement that the subdivider will submit certification of
14 floodproofing, information on the elevation of the lowest habitable
15 floor and information on the elevation to which the structure is
16 floodproofed, for each building or structure to be constructed as part
17 of the subdivision agreement.
- 18 k. A provision requiring the subdivider to submit plans, specifications,
19 descriptions of work, the limits of the work area, the methods to be
20 employed, a traffic control plan and any other pertinent data and
21 information necessary for the department of public works to evaluate
22 the proposed installation.
- 23 l. A provision that all work shall be performed pursuant to the
24 Municipality of Anchorage Standard ~~Specification~~Specifications
25 (MASS), latest edition.
- 26 m. A provision that work shall not commence until plans have been
27 approved by the director of public works and notice to proceed is
28 given.

29 **4. Exceptions**
30 If the subdivider elects to complete and obtain acceptance of all required
31 public improvements before the approval or filing of a final plat for the
32 subdivision, the subdivision agreement need not include the time schedule
33 and guarantee provisions specified in items c. and d. above.

34 **B. Approval by Assembly**

35 Approval by the Assembly shall be required to enter into those subdivision
36 agreements where municipal participation in the cost of the required public
37 improvements is estimated to be \$30,000.00 or more⁵¹.

1 **C. Time Limit for Completion of Improvements**

- 2 1. The improvements required under the terms of the subdivision agreement
3 shall be fully completed and accepted for warranty within two years of the
4 date of execution of the agreement. ~~The platting board~~However, before the
5 expiration of the subdivision agreement, the subdivider may request a time
6 extension from the Platting Authority under the process outlined in 21.03.060.
7 Following a public hearing, the Platting Authority may grant subdivision
8 agreement time extensions, up to two years in length, upon a showing of
9 good cause by the developer and provided such extension does not
10 unreasonably impact adjacent properties or the general public. In considering
11 whether an extension should be granted, the platting board shall consider the
12 manner in which safety hazards, drainage problems, sanding, snow removal,
13 grading and other matters will be handled during the extension period and
14 may impose performance conditions on the extension to ensure that such
15 matters are adequately handled. A finding of nonconformance by the
16 Department of ~~Public Works~~Project Management and Engineering shall
17 automatically, without any further action by the platting board, result in a
18 cancellation of the extension after 30 days' written notice.
- 19 2. The total time of any and all such time extensions shall not exceed 60 months
20 for existing subdivision agreements of record as of September 1, 1989, unless
21 further extensions are approved by the Assembly. All other agreements may
22 obtain only a two-year extension before being required to be approved by the
23 Assembly. All time extensions shall be conditioned to require provision of an
24 adequate performance guarantee when the existing guarantee is inadequate.

25 **D. Payment of Costs of Required Improvements**

26 The cost of any public improvement shall be defined to include the cost of design,
27 engineering, contract administration, inspection, testing, and surveillance as well as all
28 work, labor, and materials furnished for the construction of the improvement. The
29 subdivision agreement shall provide for the apportionment of the cost of required
30 public improvements between the Municipality and the subdivider as follows:

31 1. **Administrative and Recording Costs Relating to Public Improvement**
32 **Guaranties**

33 The subdivider shall pay 100 percent of all costs incurred in supplying and
34 administering any method of public improvement guaranty provided for in
35 subsection 21.08.060.

36 2. **Inspection, Surveillance, and Testing**

37 The subdivider shall pay 100 percent of all costs relating to any inspection,
38 surveillance, and testing by the Municipality, necessary for final acceptance of
39 any required public improvement or during the warranty period. Surveillance
40 shall be performed by the Municipality during the course of construction and
41 up to the point of final acceptance of the completed project. Inspection shall
42 be performed by the Municipality during the warranty period.

43 3. **Administration of Agreement**

44 The subdivider shall pay 100 percent of all costs of plan review, agreement
45 administration, and attendant costs.

1 4. **Arterial and Collector Streets within Anchorage Roads and Drainage**
2 **Service Area**

3 Reasonable costs incurred in the construction of a street designated on the
4 official streets and highways plan (OSHP) as a collector, arterial, or greater
5 and within the Anchorage Roads and Drainage Service Area (ARDSA) shall
6 be apportioned as specified in subsections 21.08.060.D.4.a. through d. below.
7 For purposes of this subsection, construction costs means only those costs
8 associated with construction, design engineering, project administration and
9 inspection, related bank fees and interest payments, and fair market value of
10 right-of-way dedicated to the street in excess of 60 feet.

11 a. **Interior Collector Streets**

12 If a collector street lies within the subdivision, the Municipality shall
13 reimburse the subdivider a sum equal to the reasonable construction
14 cost of building to the standard specified by the Platting Authority,
15 less the estimated cost of construction in accordance with the
16 residential standard approved by the Platting Authority under Tables
17 21.08-4 and 21.08-6, provided that:

18 i. When the subdivision agreement is executed:

19 (A) The street is in ~~ARDSA~~the Anchorage Roads and
20 Drainage Service Area;

21 (B) The street is programmed for improvement to the
22 designated standard in the six-year capital improvement
23 program; and

24 (C) Sufficient bond funds or designated state grant funds are
25 available for reimbursement in the capital improvement
26 budget for the current fiscal year; or

27 ii. When the subdivision is approved:

28 (A) The street is in ~~ARDSA~~the Anchorage Roads and
29 Drainage Service Area;

30 (B) Construction to the designated standard is required by
31 the Platting Authority; and

32 (C) Improvement to the designated standard is programmed
33 in the six-year capital improvement program.

34 If the conditions set forth in subsections 21.08.060.D.4.a.i. or
35 ii. are not met at the time specified, then the total cost of
36 construction required by the Platting Authority shall be borne
37 by the subdivider.

38 b. **Interior Arterial Streets**

39 If an interior arterial or greater street is required to be constructed to
40 arterial standards by the Platting Authority, the Municipality shall
41 reimburse the subdivider 100 percent of the reasonable construction
42 cost subject to the availability of bond funds appropriated for that

1 purpose. If the Platting Authority has not required construction to
2 arterial or greater standards, the subdivider shall construct the street
3 to the standards required under subsection 21.08.050.D. and shall
4 bear 100 percent of the construction cost.

5 **c. Peripheral Streets**

6 If the subdivider is required to construct an abutting collector street,
7 the Municipality shall reimburse a sum equal to the reasonable
8 construction cost of the standards specified by the Platting Authority
9 less the estimated cost of construction in accordance with the
10 residential standards under Table 21.08-5, subject to the conditions
11 specified in subsection 21.08.060.D.4.a. above. If a subdivider is
12 required to construct an abutting arterial or greater street to arterial or
13 greater standards, the Municipality shall reimburse in a manner and
14 subject to the conditions set forth in subsection b. above. If the
15 subdivider is not required to construct an abutting street to arterial or
16 greater standards, the subdivider shall construct the street to the
17 standards required under subsection 21.08.050.F. and shall pay 100
18 percent of the cost of construction.

19 **d. Access Streets**

20 If the Platting Authority requires the construction of an access street
21 under the authority of subsection 21.08.050.D. that is designated as a
22 collector, arterial, or greater, the Municipality shall reimburse a sum
23 equal to the reasonable construction cost of the standard specified by
24 the Platting Authority less the estimated construction cost in
25 accordance with the residential standards under Table 21.08-5,
26 subject to the availability of bond funds appropriated for that purpose.
27 If the Platting Authority has not required construction to collector or
28 greater standards, the subdivider shall construct the street to the
29 standards required under subsection 21.08.050.D. and shall pay 100
30 percent of the construction costs.

31 **5. Other Streets**

32 Except as provided in subsection 21.08.060.D.4., the subdivider shall pay 100
33 percent of the cost of streets within the boundaries of the subdivision. The
34 subdivider shall additionally pay 100 percent of the cost of all peripheral
35 streets and access roads except as provided in subsection 21.08.060.D.4. of
36 this section whose construction may be required by the Municipal Engineer.
37 The property within subdivisions that is later assessed by the Municipality for
38 final improvements to access and peripheral streets shall receive credit for the
39 cost of salvageable improvements to those peripheral and access streets.
40 Nonsalvageable improvements will not receive credit. Credit will be provided
41 only when:

- 42 **a.** The Municipality approved the award of the contract which included
43 the work for which the credit is to be issued; and
- 44 **b.** The subdivider provided the Municipality with a sworn notarized
45 statement setting forth the distribution of the costs of salvageable
46 improvements, which he utilized for purposes of establishing lot price,
47 for each lot within his subdivision to which such costs were spread.

1 The credit will be applied as a reduction of assessment to each applicable lot,
2 except that in no case will the amount of credit given to any lot exceed the
3 amount of the assessment to that lot.

4 **6. Curbs, Sidewalks, and Walkways Adjacent to Streets**

5 The subdivider shall pay the cost of constructing curbs, and sidewalks and
6 walkways adjacent to streets, in the same manner as the cost of constructing
7 the streets to which they are adjacent as provided in subsections
8 21.08.060.D.4.and 21.08.060.D.5.

9 **7. Sidewalks and Walkways not Adjacent to Streets**

10 The subdivider shall pay 100 percent of the cost of constructing all sidewalks
11 and walkways not adjacent to streets.

12 **8. Storm Drains, Inlets, and Manholes**

13 The subdivider shall pay 100 percent of the cost of storm drains, inlets, and
14 manholes necessary to serve the subdivision, provided that, within areas
15 where the Municipality provides drainage maintenance, the Municipality shall
16 reimburse the subdivider those costs attributable to oversizing required by the
17 Municipality. In those areas where the Municipality does not maintain
18 drainage facilities, the subdivider shall pay all costs, including those for any
19 required oversizing.

20 **9. Water Improvements**

21 If the subdivision is to receive water service from a public utility, the
22 subdivider shall provide water facilities, including service connections to all
23 lots, with cost participation as provided in the current approved tariff of the
24 utility. If the subdivision is to receive water service from a community water
25 system, the subdivider shall provide water facilities, including service
26 connections to all lots, and pay 100 percent of the cost of those facilities.

27 **10. Sanitary Sewer Improvements**

28 The subdivider shall provide sanitary sewer facilities, including service
29 connections to all lots, with cost participation as provided in the current
30 approved tariff of the municipal sanitary sewer utility.

31 **11. Electrical and ~~Telephone~~Telecommunication Facilities**

32 The subdivider shall provide electrical and ~~telephone~~telecommunication
33 facilities with cost participation as provided in the current approved tariffs of
34 the applicable utility companies.

35 **12. Deferred Utilities**

36 When paved street or sidewalk improvements are installed prior to placement
37 of traffic control devices and electrical and ~~telephone~~telecommunication cable
38 placement, the subdivider shall ~~provide any necessary underground conduit,~~
39 at appropriate crossings as directed by the Municipality, provide any
40 necessary underground conduit consistent with conduit size, type, and
41 installations standards provided by the utility.

42 **13. Street Lighting⁵²**

43 The subdivider shall pay the cost of street lighting apparatus in the same
44 manner as the cost of constructing the streets to which it is adjacent as
45 provided in subsections 21.08.060.D.4.and 21.08.060.D.5. ~~Street lighting~~

~~apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the streetlight poles shall be approved by the municipal traffic engineer and shall comply with standards contained in the current volumes of American Standard Practice for Street and Highway Lighting, published by the Illuminating Engineering Society.~~

14. Traffic Control Devices

The subdivider shall pay 100 percent of the cost of traffic control devices. ~~Traffic control devices shall meet municipal standards for material and design, and the location shall be approved by the municipal traffic engineer.~~ Traffic control devices, except electric-operated traffic signals, shall be installed prior to any structure being occupied in the subdivision.

15. Landscaping

The subdivider ~~shall pay 100 percent of~~ is responsible for all ~~costs of~~ required landscaping. Landscaping shall meet the standards of ~~Section~~ Section 21.07.080, *Landscaping, Screening, and Fences*.

E. Guarantee of Completion of Improvements Required; Amount; Methods

1. Guarantee Required

To ensure the installation of required public improvements that are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified in this section. The means of a guarantee may be changed during the guarantee period through a written modification of the agreement. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until final acceptance of the public improvements and the posting of an acceptable security for the warranty period.

2. Cost Estimate; Overrun Allowance

The engineer's cost estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement must be approved by the Department of ~~Public Works~~ Project Management and Engineering. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

| Total Estimated Cost of Improvements | Percent for Overrun Allowance |
|--------------------------------------|-------------------------------|
| \$0.00--\$500,000.00 | 20 |
| \$500,000.00--\$1,000,000.00 | 15 |
| \$1,000,000.00 and over | 10 |

3. Methods⁵³

The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

a. Performance Bond

1 The subdivider may elect to provide a surety bond from a company
2 authorized to do such business in the state. The bond shall be in a
3 form acceptable to the municipal attorney and in an amount equal to
4 the estimated cost of all required public improvements, plus an
5 overrun allowance as provided in subsection 21.08.060.E.2. above.
6 The bond shall be payable to the Municipality if any required public
7 improvements are not finally accepted in accordance with the
8 provisions of this ~~Title~~title, and shall be posted by no person other
9 than the subdivider or a contractor obligated by written contract to the
10 subdivider for construction of all the required public improvements. In
11 the event a contractor posts the bond, the subdivider and the
12 Municipality may be dual obligees under mutually agreed terms.

13 **b. *Deposit in Escrow***
14 The subdivider may elect to deposit a cash sum equal to the
15 estimated cost of all required public improvements plus overrun
16 allowances as provided in subsection 21.08.060.E.2. above either
17 with the Municipality or in escrow with a responsible financial
18 institution authorized to do such business in the state. In the case of
19 an escrow account, the subdivider shall file with the Municipality an
20 escrow agreement that includes the following terms:

21 i. Funds of the escrow account shall be held in trust until
22 released by the Municipality and may not be used or pledged
23 by the subdivider as security in any matter during that period
24 other than payment for the improvements. The funds may be
25 used for payment of improvements as made, except that the
26 escrow holder shall withhold from disbursement so much of
27 the funds as is estimated as being necessary to complete the
28 construction and installation of such improvements, plus an
29 overrun allowance as provided in 21.08.060.E.2. above.

30 ii. In the case of a failure on the part of the subdivider to
31 complete any improvement within the required time period,
32 the institution shall immediately make all funds in such
33 account available to the Municipality for use in the completion
34 of those improvements.

35 **c. *Letter of Credit***
36 The subdivider may elect to provide from a bank or other responsible
37 financial institution authorized to do such business in the state an
38 irrevocable letter of credit. Such letter shall be filed with the
39 Municipality and shall certify the following:

40 i. That the creditor irrevocably guarantees funds in an amount
41 equal to the estimated cost of all required public
42 improvements plus overrun allowances as provided in
43 subsection 21.08.060.E.2. above for the completion of all
44 such improvements.

45 ii. That in the case of failure on the part of the subdivider to
46 complete any specified improvements within the required time
47 period the creditor shall pay to the Municipality immediately

1 and without further action such funds as are necessary to
2 finance the completion of those improvements up to the limit
3 of credit stated in the letter.

4 **~~d. Deed of Trust~~**

5 ~~The subdivider may elect to guarantee the completion of public~~
6 ~~improvements by granting the Municipality a deed of trust on the~~
7 ~~property being subdivided. The deed of trust shall secure the~~
8 ~~obligation to complete required public improvements by securing a~~
9 ~~stated amount equal to the estimated cost of all required public~~
10 ~~improvements plus overrun allowances. No deed of trust shall be~~
11 ~~accepted unless the unencumbered value of the property equals or~~
12 ~~exceeds the stated amount of the guarantee. The unencumbered~~
13 ~~value of the subdivision property shall be deemed to be the municipal~~
14 ~~assessor's estimate of the value of all lots of the subdivision less the~~
15 ~~amount of outstanding recorded lien obligations. The subdivider shall~~
16 ~~not sell or otherwise transfer any lot secured by the deed of trust until~~
17 ~~the obligation to construct public improvements is satisfied or until a~~
18 ~~partial release is obtained. A partial release may be granted if, and~~
19 ~~only if:~~

20 ~~i. In conjunction with sale or transfer of any lot the seller or transferor~~
21 ~~escrows funds as provided in subsection 21.08.060.E.3.b.~~
22 ~~above sufficient to cover the pro rata cost of all unaccepted~~
23 ~~improvements attributable to such lot.~~

24 ~~ii. The escrow agreement provides that, in the case of failure on the~~
25 ~~part of the subdivider to complete any improvement within the~~
26 ~~required time period, the institution shall make all funds in~~
27 ~~such account available to the Municipality for use in the~~
28 ~~completion of those improvements.~~

29 ~~The minimum amount to be escrowed shall be calculated by prorating~~
30 ~~the estimated cost of all required public improvements that have not~~
31 ~~been finally accepted plus overrun allowances against each lot on the~~
32 ~~basis of area.~~

33 **F. Release of Guarantee of Improvements**

- 34 1. The Municipality shall release the obligation for performance guarantees upon
35 the final acceptance of the improvement, together with the posting of
36 adequate security for warranty.
- 37 2. The Municipality may refuse to release the obligation for any particular public
38 improvement if the subdivider or contractor is in present or imminent default in
39 whole or in part on the completion of any other public improvement or
40 warranty covered by the subdivision agreement.

41 **G. Improvement Warranty**

- 42 1. The subdivider shall warrant and guarantee that required public
43 improvements constructed under the agreement will remain in good condition
44 and meet operating specifications for two years, commencing with final

1 acceptance of each public improvement when it is completed. Such warranty
2 includes defects in design, workmanship, materials, and any damage to
3 improvements caused by the subdivider, his agents or others engaged in
4 work to be performed under the subdivision agreement. The subdivider shall
5 not be responsible for cleaning, snow removal, ditching, grading, dust control,
6 or similar activities during the warranty period. Nothing in this ~~Title~~title,
7 however, is intended to waive the requirements of ~~Chapter~~AMC chapter
8 24.80, pertaining to miscellaneous use provisions.

9 **2.** To secure the warranty:

- 10 **a.** The guarantee of performance provided for in subsection
11 21.08.060.E. shall remain in effect until the end of the warranty
12 period. If the guarantee is a performance bond posted by a
13 contractor, the bond cannot secure the warranty unless the subdivider
14 and contractor, by written agreement, elected this option at the time
15 the performance bond was posted; or
- 16 **b.** The subdivider shall furnish the Municipality with a corporate surety
17 bond, cash deposit, or letter of credit in an amount equal to a percent
18 of the total construction costs as set forth in this subsection. This
19 security shall guarantee the payment of any reconstruction or repair
20 costs that may be undertaken due to failures occurring during the
21 warranty period. Responsibility for identifying the necessity of repairs
22 or reconstruction of the improvements shall rest with the Municipality.

TABLE 21.08-11: PERCENT TO SECURE WARRANTY

| Total Construction Cost | Percent to Secure Warranty |
|------------------------------|----------------------------|
| \$0.00--\$500,000.00 | 10 |
| \$500,000.00--\$1,000,000.00 | 7 1/2 |
| \$1,000,000.00 and higher | 5 |

23
24 **H. Correction of Deficiencies Under Warranty**

25 Within 30 days, or a reasonable extension at the sole discretion of the ~~applicable~~
26 ~~department director~~Municipal Engineer, of notification by the Municipality of the need
27 for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to
28 the Municipality. Such notification shall be made by certified mail. If the subdivider
29 fails to repair or reconstruct the deficiency within the time specified in this section, the
30 Municipality will make the repair at the subdivider's sole expense. The Municipality
31 may then bill the subdivider for the cost of the repair, or declare the bond or deposit
32 forfeited.

33 **I. Release of Warranty⁵⁴**

34 Inspection will be made by the Municipality at the end of the warranty period and prior
35 to the release of guarantees. All deficiencies shall be corrected prior to release of the
36 warranty security. Upon satisfactory correction of all deficiencies, the Municipality will
37 release the remaining security.

1 **J. Default**

2 If the subdivider defaults on any obligation to construct required public improvements
3 or the obligation to warrant and repair such improvements, the Municipality may
4 demand immediate payment on the performance or warranty guarantee. In the case
5 of a performance bond, deposits in escrow, or letter of credit, the Municipality may
6 demand immediate payment of a portion of all sums obligated for the performance or
7 warranty of any improvement. In the case of a deed of trust guarantee method, the
8 Municipality may foreclose on the deed of trust and may also retain any sums
9 deposited to obtain a partial release of the deed of trust. All funds received by the
10 Municipality shall be used for any construction, repair, or reconstruction necessary to
11 ensure that:

- 12 1. All required public improvements are built to specifications necessary to
13 receive final acceptance; and
- 14 2. The improvements remain in good condition for the completion of the
15 warranty period. The Municipality may use guarantee funds for the
16 construction, repair, or maintenance of required public improvements from the
17 date of initial default until three years after the funds have become available
18 to the Municipality for such use, except that no use shall be made of the funds
19 later than two years after satisfactory completion and final acceptance of the
20 work. Following either: (1) the final acceptance of all public improvements
21 and posting of the warranty security, or (2) successful completion of the
22 warranty period, or (3) the three-year period provided for in this subsection,
23 the Municipality shall pay to the subdivider all guarantee funds which were not
24 used or obligated for the completion of the improvements.

25 **K. Standards May Not Be Altered; Enforcement of Chapter**

26 All provisions of this chapter are mandatory and may not be altered by the subdivision
27 agreement. The obligations contained in this chapter shall be enforceable by
28 methods of enforcement of ordinance as well as contract.

29 **21.08.070 CONSERVATION SUBDIVISIONS⁴⁶⁵⁵**

30 **A. Purpose**

31 A conservation subdivision is an alternative type of residential development in which
32 the lots are allowed to be smaller or narrower than otherwise required in the zoning
33 district, but in which the overall number of lots does not exceed the maximum number
34 of lots allowed in the subdivision by the zoning district. Conservation subdivisions are
35 intended to create a more compact residential development to preserve and maintain
36 open areas and natural lands in excess of what would otherwise be required by this
37 Title.

38 **B. Applicability**

39 The conservation subdivision option may be used on any parcel with a minimum of at
40 least 10 acres in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, and R-10 zoning districts
41 provided that the proposal is consistent with the requirements in this Section
42 21.08.070.

⁴⁶ -NOTE: This new section is proposed to replace the existing cluster housing site plan review provisions (Section 21.50.210).

1 **C. Conservation Design Process**

2 Conservation subdivisions shall be approved through the procedure set forth in
3 ~~Section~~section 21.03.060.

4 **D. Reduction in Minimum Lot Area Allowed**

5 ~~Conservation subdivisions may include one or more lots that do not conform to the~~
6 ~~minimum lot size or lot width requirements of chapter 21.06.~~ The minimum lot area for
7 lots in conservation subdivisions shall be the larger of:

- 8 1. Eighty percent of the minimum lot area required in the applicable zoning
9 district, as set forth in ~~Chapter~~chapter 21.06; or
- 10 2. 5,000 square feet.

11 **E. Lot Coverage Allowed**

12 The maximum lot coverage requirements for lots in a conservation subdivision, as set
13 forth in ~~Chapter~~chapter 21.06, may be increased by no more than 10 percent.

14 **F. Minimum Open Space**

15 At least 35⁴⁷⁵⁶ percent of the property shown on the subdivision plat shall be
16 preserved as common open space. Open space shall be identified using the
17 standards set forth in subsection 21.07.~~040.C-3-030B.4.~~ *Private Common Open*
18 *Space, Standards*. No portion of the land preserved as common open space may be
19 located within the boundaries of an individual lot for residential development, or in a
20 road right-of-way or utility easement.

21 **G. Dedication and Recording**

22 The required common open space shall be preserved from development in perpetuity
23 through the use of a dedication, and shall be conveyed to a property owners'
24 association or other organization with responsibility for maintenance of the open
25 space and the ability to collect assessments or dues for such purpose. The applicant
26 shall submit proof that:

- 27 1. Such deed restriction or easement has been recorded ~~withat~~ the ~~Municipal~~
28 ~~Clerk~~District Recorder's Office; and
- 29 2. The property owners' association or other organization has been established
30 before any building or land use permits for construction in a conservation
31 subdivision shall be issued.

⁴⁷ ~~NOTE: A flat number is proposed for ease of administration. Alternatively, a sliding scale could be used, with a larger amount of open space required for more rural districts. The number proposed is higher than that required for regular residential development under the draft private common open space standards (30 percent).~~

¹ NOTE: This chapter contains the design standards for new subdivisions. While this chapter is based heavily on existing standards, various, relatively minor changes have been made and are indicated with footnotes. A new conservation subdivision option is proposed.

² NOTE: Suggested new purpose statements.

³ NOTE: We need to decide to what extent site condos will be subject to the standards of this chapter and 21.07. We already have moved many important provisions (e.g., common open space requirements) from the subdivision chapter to 21.07 to make them applicable to all development, not just subdivision. But discussion is still necessary on whether site condos can or should be made subject to all or parts of this chapter.

⁴ NOTE: New subsection.

⁵ 2005 NOTE: Existing 21.80.380. Second sentence is new in 2005 draft.

⁶ 2005 NOTE: New subsection proposed by staff.

⁷ 2005 NOTE: New subsection proposed by staff.

⁸ NOTE: Existing 21.80.210. Staff notes that this subsection (and “Street Intersections” below) includes standards that perhaps duplicate the Design Criteria Manual, and thus a cross-reference to that document may be more appropriate than the listed standards. Further discussion necessary.

⁹ NOTE: Existing 21.80.220, with minor adjustments. We have removed provisions that repeat standards in the new *Transportation and Connectivity* section in 21.07.

¹⁰ 2005 NOTE: The final sentence about corner roundings was added back in (it appears in the current code. Based on the existing AMC 21.80.230 with minor adjustments.

¹¹ 2005 NOTE: There appears to be disagreement between staff and the DOT regarding whether this existing centerline provision is adequate.

¹² NOTE: Existing AMC 21.80.240, with adjustments specifying cul-de-sac lengths based upon area types.

¹³ NOTE: Existing 21.80.260 with only minor clarifications.

¹⁴ NOTE: Existing 21.80.270, with only minor clarifications. Staff has suggested relocating this provision elsewhere in the code, but this appears to be the most appropriate location – unless the material is given its own new section in chapter 21.07.

¹⁵ NOTE: This section combines the provisions from existing 21.80.280 and 290, with minor clarifications.

¹⁶ 2005 NOTE: Proposed new block length standards to distinguish by area.

¹⁷ NOTE: This section combines 21.80.300 and 320.

¹⁸ 2005 NOTE: Changed from 100feet in previous draft, per staff suggestion.

¹⁹ 2005 NOTE: Several edits based on comments received. Based on the existing 21.80.330.

²⁰ 2005 NOTE: The second provision has been rewritten. Based on the existing 21.80.340.

²¹ NOTE: Existing 21.80.350.

²² 2005 NOTE: Existing 21.80.400, with no changes. Chugach Electric recommends adding the following sentence at the end: “All proposed installations that will cross or be contained within the ground or aerial easements shall secure non-objection from the affected utility prior to approval of proposed development plans.”

²³ NOTE: Existing 21.80.390.

²⁴ NOTE: Based on the existing 21.80.010.

²⁵ NOTE: Existing 21.80.020.

²⁶ 2005 NOTE: Minimum width reduced back to 10 feet (the existing standard) in this draft. Based on the existing 21.80.030.

²⁷ 2005 NOTE: Existing 21.80.060. Extensive public comments suggest requiring the municipality to prepare an inventory of current and historic access points to Chugach State Park to help implement this provision. Comments also request that dedications be based on the Chugach State Park inventory, but dedications should only be based on adopted plans.

²⁸ 2005 NOTE: This section, which originally carried forward the current 21.80.040, has been revised based on numerous comments. The new proposed section ties the easement to the setback standards in chapter 21.07. Maintenance access is only in the 15 feet closest to the stream.

²⁹ 2005 NOTE: Several edits made in response to comments. The specific size requirements are removed and replaced by a reference to the Utility Corridor Plan.

³⁰ NOTE: Existing 21.85.010.

³¹ 2005 NOTE: Existing 21.85.020 summarized in a new table. However, the existing “urban,” “suburban,” and “rural” designations were considered confusing and thus have been replaced by the new “Class A” and “Class B” designations. The table has been updated to reflect changes in the zoning districts in the new draft.

³² 2005 NOTE: Existing 21.85.030 summarized in a new table. The lines for gravel streets have been removed.

³³ NOTE: Based on the existing 21.85.050. The tables addressing street standards at the end of the chapter have been relocated and renumbered for inclusion in this section.

³⁴ 2005 NOTE: Table summarizing most current requirements has been removed, based on fact that it will become obsolete at some point.

³⁵ NOTE: The current code does not specify the maximum design speed and right-of-way for 40 foot streets. The draft table carries forward the standards for 36-foot streets for discussion purposes.

³⁶ NOTE: This section carries forward the provisions from AMC 21.85.050 Interior streets with only minor alterations.

³⁷ NOTE: Existing 21.85.070.

³⁸ NOTE: Based on the existing 21.85.080. A major new change is the suggested vertical curb requirement, rather than the current standard practice of rolled curbs.

³⁹ NOTE: The standards from the existing 21.85.090 have been relocated to the development standards chapter to be made applicable beyond subdivisions. Table E has been relocated to this section.

⁴⁰ 2005 NOTE: This section carries forward two current provisions – the first is from subdivision improvements section of the current code, and the second is relocated from the subdivision agreements section in the current code. Comments received indicate that the street lighting standards in the Design Criteria Manual conflict with those in the other cited document. Staff should advise as to the correct reference document. Regardless of the proper source of standards, the reference should be in this section, not in the subdivision agreements section.

⁴¹ 2005 NOTE: Based on the existing 21.85.120. Modified to reflect statute and DOT manual.

⁴² NOTE: Based on the existing 21.85.030.

⁴³ 2005 NOTE: Final two provisions are new to this draft and suggested by staff. This section is based on the existing 21.85.140, but it has been supplemented with additional standards to protect surface waters and address municipal maintenance.

⁴⁴ NOTE: Existing 21.85.150.

⁴⁵ NOTE: Existing 21.85.160. 1.b. is new.

⁴⁶ NOTE: Existing 21.85.170. 1.b. is new.

⁴⁷ NOTE: The material in 21.85.180, *Erosion and sedimentation control*, has been relocated to chapter 21.07 so that its applicability extends beyond the subdivision process.

⁴⁸ NOTE: Based on the existing 21.85.200.

⁴⁹ NOTE: As discussed in the Annotated Outline, we heard no comments on the Subdivision Agreement section. We have reviewed the provisions and they are fairly straightforward and no issues or concerns are immediately apparent. This section carries forward the substance of the existing chapter 21.87 with no major changes.

⁵⁰ 2005 NOTE: Second sentence is new and proposed by staff.

⁵¹ 2005 NOTE: HBA suggests raising this threshold to \$100,000.

⁵² 2005 NOTE: In this and the following section, substantive quality standards have been removed and relocated earlier in the chapter. This section should deal only with payment responsibilities for improvements.

⁵³ 2005 NOTE: Deed of trust option deleted per request.

⁵⁴ 2005 NOTE: There were several requests that the release of the escrowed monies be done within 30 days of the completion of the warranty period. Is there support for such a provision?

⁵⁵ NOTE: This new section is proposed to replace the existing cluster housing site plan review provisions (section 21.50.210).

⁵⁶ NOTE: A flat number is proposed for ease of administration. Alternatively, a sliding scale could be used, with a larger amount of open space required for more rural districts. The number proposed is higher than that required for regular residential development under the draft private common open space standards (30 percent).