

Presented by: The Manager
Presented: 2023
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023 XX

An Ordinance Amending the code related to avalanche and landslide areas and replacing the avalanche and landslide areas maps

WHEREAS, and...

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC49.70.300 Avalanche and landslide areas is amended to read:

(a) *Generally.*

- (1) Development in mapped moderate and severe avalanche and severe landslide areas shall minimize the risk of loss of life or property due to landslides and avalanches.
- (2) Boundaries of severe avalanche areas will be as shown on the avalanche area maps dated April 27, 2022, as the same may be amended from time to time by the assembly by ordinance.
- (3) Boundaries of severe landslide areas will be as shown on the landslide area maps dated April 27, 2022, as the same may be amended from time to time by the assembly by ordinance.

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2 (4) Owners and developers should provide written notice to potential buyers or renters that
3 the property is located in a moderate or severe avalanche area, or a severe landslide
4 area, or both.

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6 (b) *Moderate and Severe avalanche areas.*

7 (1) Notwithstanding any other provision, subdivision other than a boundary line relocation,
8 a lot line adjustment, or a lot consolidation, or development greater than a single-family
9 dwelling within severe avalanche areas shall require a conditional use permit.

10 (2) Notwithstanding any other provision, development greater than a single-family
11 dwelling, within the moderate or severe avalanche areas shall require a conditional use
12 permit with site specific engineering for the following: peak drainage, special foundation
13 or high back wall engineering, and debris flow diversion mechanisms. For the purposes
14 of this section, accessory dwelling units are considered development greater than a
15 single-family dwelling.

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17 (3) A subdivision must create lots that have a sufficient buildable site, without the need for
18 a variance, in the moderate and severe avalanche areas, unless the lot is platted as a
19 Public Use Lot (49.15.422).

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22 (4) If a developer disagrees with the boundaries shown on the severe avalanche map, the
23 developer may seek departmental relocation of the boundaries by submitting a site
24 specific study prepared and stamped by a civil engineer licensed in the State of Alaska.
25 Such studies shall include detailed analyses of topography, vegetation, potential snow
accumulation, and other factors. The results should indicate actual hazard area

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2 boundaries and potential debris flow direction, time, distance and mass. If, in the
3 opinion of the Director of Engineering & Public Works, the studies clearly establish that
4 the map boundaries are inaccurate and the proposed development is outside a moderate
5 or severe avalanche area, the department shall proceed accordingly.

- 6
7 (5) The commission may require mitigating measures certified as effective by a civil
8 engineer licensed in the State of Alaska for development in moderate or severe
9 avalanche areas. Such measures may include dissipating structures or dams, special
10 structural engineering, or other techniques designed for the site. Mitigating measures
11 may also include reduction in the proposed density, occupancy, or development.

12 (c) *Severe landslide areas.*

- 13
14 (1) Notwithstanding any other provision, no subdivision other than a boundary line
15 relocation, a lot line adjustment, or a lot consolidation, shall be approved in a severe
16 landslide area. Applications for all other subdivision types shall not be accepted for filing
17 or shall be rejected by the director.
- 18
19 (2) Notwithstanding any other provision, no development or any part of a development,
20 which is within a severe landslide area shall, by the addition of bedrooms, , conversions
21 of buildings, or otherwise increase the density of the lot or increase the occupancy of the
22 building; provided, that a single-family dwelling may be constructed on a vacant lot.
23 Accessory dwelling units are not permissible on lots located in a severe landslide area.
- 24
25 (3) Notwithstanding any other provision, development including a single-family dwelling
within the severe landslide areas shall require a conditional use permit with site specific

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2 engineering for the following: peak drainage, special foundation or high back wall
3 engineering, and debris flow diversion mechanisms. .

4
5 (4) The commission may require mitigating measures certified as effective by a civil
6 engineer licensed in the State of Alaska for development in severe landslide areas. Such
7 measures may include dissipating structures or dams, special structural engineering, or
8 other techniques designed for the site. Mitigating measures may also include reduction
9 in the proposed density, occupancy, or development. 

10 (5) If a developer disagrees with the boundaries shown on the severe landslide map, the
11 developer may seek departmental relocation of the boundaries by submitting a site
12 specific study prepared and stamped by a civil engineer licensed in the State of Alaska.
13 Such studies shall include detailed analyses of topography, vegetation, potential snow
14 accumulation, and other factors. The results should indicate actual hazard area
15 boundaries and potential debris flow direction, time, distance and mass. If, in the
16 opinion of the Director of Engineering & Public Works, the studies clearly establish that
17 the map boundaries are inaccurate and the proposed development is outside a severe
18 landslide area, the department shall proceed accordingly.

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20 (d) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard
21 areas in excess of engineering expectations. The location and severity of the event may be
22 increased by manmade or natural causes. This article does not imply that land outside of
23 designated hazard areas, or uses permitted within such areas, will be free from danger or
24 damage. This article shall not create liability on the part of the City and Borough of Juneau
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2 or any officer or employee thereof for any damages that result from reliance of this article or
3 any administrative decision lawfully made under this article.

4 **Section 4. Amendment of Section.** CBJC 19.04.R301.9 Geophysical hazards is
5 amended to read:

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7 "301.9 Geophysical hazards. In Severe geophysical hazard zones as shown in
8 "Downtown Juneau Landslide and Avalanche Hazard Assessment" dated April 27, 2022, and
9 on the "Moderate and Severe Avalanche Maps and Severe Landslide Area Map", ~~both adopted~~
10 ~~by ordinance serial no. 87-49, adopted~~ 2023 or when the building official
11 determines that development is proposed in an area similar in nature to those studied in the
12 above referenced documents, and is located outside of the study area, an engineered
13 structural analysis shall be submitted with the permit application. The building official may
14 waive this requirement upon presentation of more specific studies prepared and stamped by a
15 civil engineer licensed in the State of Alaska showing the proposed site is not likely to be
16 affected by geophysical hazards."
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18 **Section 5. Amendment of Section.** Hillside Development CBJ 49.70.210(a)(4) is
19 amended to read:

20 Any hazard area identified on the avalanche and landslide area maps dated ~~September~~
21 ~~9, 1987, April 27, 2022~~ consisting of sheets 1—8, as the same may be amended from time to
22 time by the assembly by ordinance or any other areas determined to be susceptible to
23 geophysical hazards.
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25 **Section 6. Amendment of Section.** Definitions CBJ 49.80.120 is amended to read:

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2 Accessory dwelling unit (ADU) means a subordinate dwelling unit added to, created
3 within, or detached from a single-family residence, which provides basic requirements for
4 living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an
5 entrance to an internal common area accessible to the outside. ADUs are not included in the
6 density calculation for a site.



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9 Density means the amount of development per acre permissible on a parcel under the
10 applicable zoning, measured as dwelling units per acre (du/ac).

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13 **Section 7. Effective Date.** This ordinance shall be effective 30 days after its adoption.

14 Adopted this _____ day of _____, 2023.

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17 _____
Beth A. Weldon, Mayor

18 Attest:



19 _____
20 Elizabeth J. McEwen, Municipal Clerk