

CBJ Land Sale No. B16-207

Land Sale

Spring 2016 Lena Land Sale

The City and Borough of Juneau (CBJ) is offering five residential lots for sale in the South Lena Subdivision. The generally south-facing properties are accessed via Ocean View Drive and Point Lena Loop Road. The lots offered in this brochure were originally offered in previous subdivision land sales.

Each lot will be sold by sealed bid to the highest qualified bidder. The sale is open to both individuals and Alaskan business entities. Bidders may submit bids on all five parcels. There is no limit on the number of parcels a bidder may purchase. Purchasers are required to obtain title insurance.

Electric, cable, telephone, and municipal water service extend to each lot.

Municipal sewer does not reach Lena Point and there are no plans to extend municipal sewer to Lena Point in the future. Therefore, upon developing their properties, landowners will need to install individual onsite wastewater treatment and disposal systems (OWTDS).

Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.

Look inside this brochure for details on the terms and conditions of sale and instructions on how to submit a bid. This brochure can also be found under "News Items" at the CBJ's website at www.juneau.org.

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City and Borough Assembly

Mayor Ken Koelsch

Mary Becker • Jamie Lynn Bursell

- Maria Gladziszewski • Loren Jones • Jesse Kiehl
- Jerry Nankervis • Kate Troll • Debbie White

Look inside for details . . .

Competitive Bidding Information

Bidder Qualifications

Both individuals and businesses may bid on the CBJ parcels offered in this land sale. Individuals must be at least eighteen years of age by the date of the bid opening, May 16, 2016. There is no Alaskan residency requirement for non-business bidders.

A business or a business entity wanting to participate in this land sale must be licensed to do business in the State of Alaska.

Bids will not be accepted from bidders who have defaulted on a prior lottery, auction, over-the-counter or other purchases of CBJ property within the past five years.

Participants in all previous South Lena Subdivision land sales may participate in this land sale.

Any CBJ employee who performed work for the CBJ on the South Lena Subdivision may not participate as a bidder in this land sale in accordance with CBJ 01.45.040. This prohibition extends to the employee's spouse, dependents, and any regular member of the employee's household. CBJ employees who are interested in participating in the land sale and are uncertain whether they might have a conflict of interest are advised to consult with the CBJ Attorney prior to submitting a bid.

Submitting a Bid

All bids must be submitted on the CBJ "Bid Form" provided for this sale. The form must be filled out in its entirety. Photocopies of the form are acceptable.

A bidder may:

- Submit bids on multiple parcels; and
- Purchase multiple parcels offered in this sale.

More than one name may appear on a bid, but all of those named must meet the bidder qualifications. All names appearing on the bid must be the same as those names that will, ultimately, appear on the deed issued by the CBJ. No names may be added to or deleted from the deed. For example, if a bidder wants a spouse's name to be included on the deed, the bidder must ensure that the spouse's name is on the bid.

- Each bid must be accompanied by an earnest money payment in the amount of \$500. The earnest money shall be returned to unsuccessful bidders.

- Payment must be in the form of a check payable to the City and Borough of Juneau. Do not mail cash. A separate check must be submitted for each bid.

- Each bid must be submitted in a separate, sealed envelope with the following information written on the outside of the envelope: Name, address and "CBJ Land Sale No. B16-207." Applicants can also use the label provided with the bid form

Bids will be accepted only at the CBJ Purchasing Office. Bids may be mailed or hand-delivered. To mail a bid, enclose the sealed envelope in a second envelope and address it to CBJ Purchasing Office, 155 S. Seward Street, Juneau, Alaska 99801. To hand-deliver a bid, go to the CBJ Purchasing Office located at 105 Municipal Way, 3rd floor. Note, the CBJ Purchasing Office is located in the building across the alley from City Hall, above Capital Copy.

In all cases the bids must be date and time stamped in the CBJ Purchasing Office no later than 4:30 p.m., Alaska Time, Friday, May 13, 2016. Bids received after that time will not be considered.

Awarding the Bids

For each parcel, the qualified bidder having the highest bid amount will be named the apparent high bidder. Acceptable bids must be for at least the minimum bid price listed for each parcel in this sales brochure. If there are two or more identical high bids, the apparent high bidder will be determined by lottery.

Only the highest bid amount for each parcel will be made public. All other bids, as well as the number of bids received for each parcel, will remain confidential until after the recording of deeds. Earnest money shall be returned to unsuccessful bidders.

Bids must be received in the CBJ Purchasing Office no later than 4:30 p.m., Alaska Time, Friday, May 13, 2016. Each bid must be submitted in a separate sealed envelope.

Competitive Bidding Information

Apparent high bidders will be sent an “Award Notification” letter by certified mail. The letter shall provide the successful bidders until Monday, June 13, 2016, 4:30 p.m., Alaska Time, to submit the following:

- Completed “Declaration of Intent” form;
- A non-refundable \$150 document handling fee;
- A down payment equal to at least ten percent of the bid amount. The \$500 earnest money submitted with the bid shall be applied toward the down payment;
- If a business or business entity, proof of current license in the State of Alaska, and signatory authority of the person submitting the bid; and
- Any other documents or items required in the Award Notification letter.

Apparent high bidders must respond to the CBJ by 4:30 p.m., Alaska Time, June 13, 2016 with their down payments, administration fees, and completed paperwork.

If an apparent high bidder fails to comply with the requirements in the award notification letter, or complies after the June 13, 2016 deadline, the bidder shall forfeit the \$500 earnest money and all rights to the parcel, and the second highest bidder will then be awarded the opportunity to purchase the parcel for the amount stated in his/her bid. The same bid award procedure and requirements will apply.

CBJ Financing

Purchasers may elect to either make a lump sum payment for parcels bought in the CBJ’s land sale or use CBJ financing.

Under CBJ financing, purchasers must make a down payment equal to at least 10% of their bid no later than 4:30 p.m., Alaska Time, Monday, June 13, 2016, paying the balance owed over a period of 10 years in annual, quarterly, or monthly payments at an interest rate of 10%. Then, regardless of which payment frequency is selected, payments must be made in advance. There is no prepayment penalty.

The CBJ reserves the right to direct loan payments to a bank of its choice. In that event, purchasers using the CBJ’s financing option will be responsible for paying the bank service fees, if any.

The CBJ will not subordinate its security interest to other lenders. No bidder or purchaser may sell or as-

sign his or her interest in a parcel until the CBJ has been paid in full.

Purchasers are responsible for all costs at closing. The CBJ will be responsible for recording the deeds and deed of trust documents. Buyers are also required to obtain title insurance.

Disclaimers

This brochure is intended for informational purposes only and does not constitute an offer to sell. It is not intended to provide legal advice on title or any other matter related to this land sale. Bidders are encouraged to consult with an attorney and/or other professionals for any required advice. It is possible that after publication of the brochure, modifications may be necessary. It is the bidder’s responsibility to keep informed of any changes or corrections. Amendments to this brochure will be posted at the Lands and Resources Office and are available by writing to the Lands and Resources Office, City and Borough of Juneau, 155 S. Seward Street, Juneau, Alaska 99801, or by calling (907) 586-5252, or by examining “News Items” at the CBJ’s website at www.juneau.org. Click on “Spring 2016 Lena Land Sale.”

Land offered by the CBJ will be sold “as is” with no guarantees expressed or implied as to its suitability for a particular use. Some parcels include areas with steep slopes which may limit development options to a fraction of the overall parcel. It may not be feasible to construct a driveway, with suitable grade, to all portions of a given parcel. Some parcels have designated wetlands which have restrictions on potential development. All potential bidders are strongly urged to read this brochure, examine the survey plat and preliminary title document, and inspect the land thoroughly before submitting a bid.

The CBJ reserves the right to adjourn, postpone, or vacate this sale, in whole or in part, at any time prior to or during the offering, when such action is deemed necessary to protect the interests of the CBJ. One or more parcels may be withdrawn at any time prior to or during the land sale process.

Maps shown in this brochure are intended to provide a graphic illustration of the lots to be sold and should be used only for general orientation purposes. They are not survey plats.

The CBJ reserves the right to waive technical defects in this brochure.

General Conditions

Title and Restrictions/Reservations

The CBJ acquired its land at Lena Point from the State of Alaska and the Alaska Mental Health Trust Authority. In conveying their properties to the CBJ, each conveyed the surface estate only, retaining their rights to the subsurface estate, which includes rights to explore and extract oil, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, as provided by state law.

In this land sale the CBJ will be conveying its interest in the surface estate. The State of Alaska and the Alaska Mental Health Trust Authority remain owners of the subsurface estate.

Some portions of the South Lena Subdivision were originally acquired by the CBJ by patent. Lots within the South Lena Subdivision that were acquired by the municipality through patent will be conveyed to successful bidders in this land sale by warranty deed.

The central portion of the CBJ's subdivision was acquired by the CBJ by quitclaim deed. Those lots that lie within the area deeded to the CBJ by quitclaim deed will be conveyed to successful bidders in the land sale by quitclaim deed.



The preliminary title report indicates some lots may be subject to water rights that benefit nearby property owners. Questions about water rights can be answered by Alaska Department of Natural Resources (DNR) staff at (907) 586-3400.

All lots offered in this land sale are restricted from further subdivision by plat note # 4 on the recorded subdivision plat, Plat No. 2006-57.

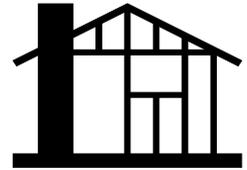
The CBJ will convey its property subject to all existing reservations of record.

Purchasers of CBJ land are required to obtain title insurance. The City will provide a list of three title insurance companies upon a successful bid.

Potential bidders are encouraged to examine the preliminary title report available online. Go to www.juneau.org, under "News Items" select "Spring 2016 Lena Land Sale". Purchasers are encouraged to seek any advice on title quality from a title professional or attorney.

Improvements

Purchasers are responsible for properly locating improvements on their property and obtaining all necessary permits. Improvements must comply with all building setback requirements and all other applicable federal, state, and local regulations and permit requirements. Contact the CBJ's Community Development Department at (907) 586-0715 for information about setbacks and zoning regulations that apply to individual parcels.



Portions of the subdivision encompass areas with steep slopes and bluffs, particularly in the northwestern part of the subdivision. Some parts of individual lots may not be suitable for development.

Potential bidders should physically inspect the property, prior to placing their bids, to ensure the property satisfactorily meets their needs and development goals.

Wetlands

Many lots within this subdivision include areas identified as wetlands under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Dredging or filling of these wetlands requires a Corps permit.

The CBJ received a Corps fill permit, POA-1996-19-M, for the South Lena Subdivision lots. The permit allows fill to be placed in certain wetland areas in order to accommodate development. In accordance with the permit, the quantity of fill that can be placed on wetlands varies from lot to lot. The quantity of fill permitted for each lot is specified in the "Parcel Descriptions and Maps" section of this brochure, beginning on page 9. The Corps permit also specifies where fill may be placed on each lot. The permit is available online at www.juneau.org, under "News Items," "Spring 2016 Lena Land Sale." Purchasers will be given a copy of the permit at closing and asked to sign an acknowledgement and release related to the development of wetlands. The current fill permit is valid until October 31, 2016. The City is currently evaluating the option to renew and extend the permit.



General Conditions

Purchasers have the choice of filling their lots in accordance with the conditions of Corps permit POA-1996-19-M, or independently seeking their own permit from the Corps. Purchasers who elect to develop their lots, based on the stipulations of POA-1996-19-M, must strictly adhere to the permit conditions. Violation of the permit conditions will be deemed to be wetland fill activity performed without a Corps permit, and may be prosecuted and/or subject to federal enforcement actions.

Property owners whose development plans call for placing more wetland fill than permitted for their lot, or placing fill in an alternate location or configuration than provided for in Corps permit POA-1996-19-M, must apply to the Corps and receive a separate permit prior to commencing any fill activities.

Like the Corps, the CBJ Planning Commission is interested in protecting wetlands in the Lena area and has limited the maximum amount of fill that can be placed in wetlands on any one lot. That limit, established on the subdivision plat, restricts the fill area for drainfields and housepads (this limit does not apply to driveways) to 12,000 square feet on any lot with wetlands. Development that will exceed the 12,000 square foot wetland fill limit is required to receive CBJ Planning Commission approval prior to commencing any fill activity. This approval is in addition to any permit requirements of the Corps.

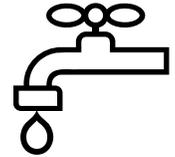
Eagle Nests

There are currently two (2) known eagle nest trees situated within the South Lena Subdivision, one on Lot 1, Block B, and the other on Lot 4, Block B. Development restrictions vary and are applied based on distance from nest, type of construction activity, season, and whether the nest is active or inactive. Prospective buyers are encouraged to discuss any questions they might have regarding eagle nests and building restrictions with staff at the CBJ's Community Development Department, (907) 586-0715.

Water, Electric, Cable, and Telephone

As part of this subdivision, the CBJ installed water, electric, cable, and telephone utilities to each lot.

Electric, cable, and telephone utilities run underground along Ocean View Drive, but are overhead along the Point Lena Loop Road.



Sewer

Sewer lines from municipal treatment plants do not reach Lena Point, and there are no plans to extend sewer lines to Lena Point in the future. Therefore, upon developing their properties, landowners will need to install individual onsite wastewater treatment and disposal systems (OWTDS).

Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.

At the time of printing this brochure, the CBJ fee is \$64.13 per month. This fee will be subject to periodic review and rate adjustments, in the same manner as other CBJ utilities.

Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.

In addition to adhering to the CBJ's pertinent laws and regulations, property owners must also comply with the State of Alaska's statutes and regulations. Contact the Alaska Department of Environmental Conservation (ADEC) at (907) 465-5167 for information on the State of Alaska's requirements for OWTDSs or visit its website at:

http://www.dec.state.ak.us/water/wwdp/onsite/ww_planreview-cklist.htm

ADEC and the CBJ endeavor to make the OWTDS plan review process both thorough and efficient. Toward that end both organizations are committed to working together to ensure a smooth review process. See Appendices

A and B for the complete CBJ regulations pertaining to OWTDSs. Refer to Appendix C for a description of the permit process for installing an OWTDS.

General Conditions

Due to a high water table in this area, property owners may need to use options that will enhance performance of their OWTDSs such as importing soils to create a mound drainfield. It may also be necessary to protect the drainfield from surface water runoff by constructing ditches to divert runoff around the drainfield. Topographic constraints on some lots might curtail the number of options for siting an OWTDS on those lots. Property owners should work with their selected engineer to evaluate options most suitable for their specific lots.

Special Conditions

In addition to the General Conditions described on pages 4 through 6, that apply to all of the lots offered for sale, there are also Special Conditions that apply to specific lots. Each Special Condition, described below, is labeled by a code letter. Beginning on page 9 of this brochure, each lot offered for sale is identified with maps and a brief description of the parcel followed by a list of codes that indicate which Special Conditions apply to that parcel.

The CBJ has made its best effort to include descriptions of conditions and restrictions that might be of interest to potential bidders. There might be other restrictions and conditions not included in the list below that apply to the subdivision lots. Potential bidders are encouraged to consult title and legal specialists for any advice on these matters.

A A federal access easement (BLM case number A-061617) affects this lot as well as several other lots in the South Lena Subdivision. The degree of impact of this easement on the subdivision lots varies from lot to lot. Prospective buyers should examine the survey plat to determine the impact of this easement on the lots of interest to them. Through the subdivision area, this easement roughly follows and, in many places, overlaps the alignment of Ocean View Drive. The federal easement predates the creation of this subdivision and the construction and dedication of Ocean View Drive. Due to the redundancy of the federal easement, the CBJ has requested the

federal government vacate that portion of its easement that affects the CBJ's subdivision lots. However, it is unknown if or when the federal government will vacate this easement. The CBJ makes no guarantees as to the outcome of its request for the vacation of this easement.

- B** In accordance with plat note # 7 of the South Lena Subdivision plat, ground cover shall be retained for 25 feet bordering Point Lena Loop Road unless it is demonstrated to the CBJ Community Development Department staff that wetlands can be preserved through other means.
- C** In accordance with plat note #9, Lot 4 with frontage along both Point Lena Loop Road and Ocean View Drive, will be allowed access from Ocean View Drive only.
- D** This lot is subject to a 20-foot-wide electric utility easement.
- E** A 15-foot-wide drainage easement is reserved along the eastern lot line.
- F** Lots 9 and 10, Block A are subject to a 30-foot-wide common access easement for the benefit of Lots 9 and 10; this easement is located 15 feet either side of the northern portion of the lot line between Lots 9 and 10. This easement is also reserved for utilities and drainage.
- G** A portion of this lot was formerly owned by the Alaska Mental Health Trust Authority (Trust). The CBJ received title to the Trust property in the form of a quitclaim deed. The CBJ will, therefore, convey this lot by quitclaim deed.
- H** An eagle nest tree is located on this lot. Contact CBJ's Community Development Department at 586-0715 regarding development restrictions in the vicinity of eagle nests.
- I** During construction of Ocean View Drive, Lots 2 and 3, Block A, South Lena Subdivision were filled with organic overburden. These materials

were found to be unacceptable for foundation support and subsequently excavated and replaced in lifts with acceptable gravel and shot rock materials.



stricted to Ocean View Drive only. The CBJ will not accept applications for alternative access proposals off of Merganser Road or through CBJ owned property within Block E.

The unsuitable soils were excavated to what was felt to be in-situ soils. The excavation area measured 40 feet by 80 feet which was to be the designated area that any residence constructed within said lots was to be placed. After excavation, the proposed building site was backfilled with approved gravels or shot rock to form a building pad on each lot. The backfilling was conducted in lifts measuring two feet or less in height and consolidated by heavy equipment. The 40 foot by 80 foot building pads located on Lots 2 and 3, Block A, South Lena Subdivision were;

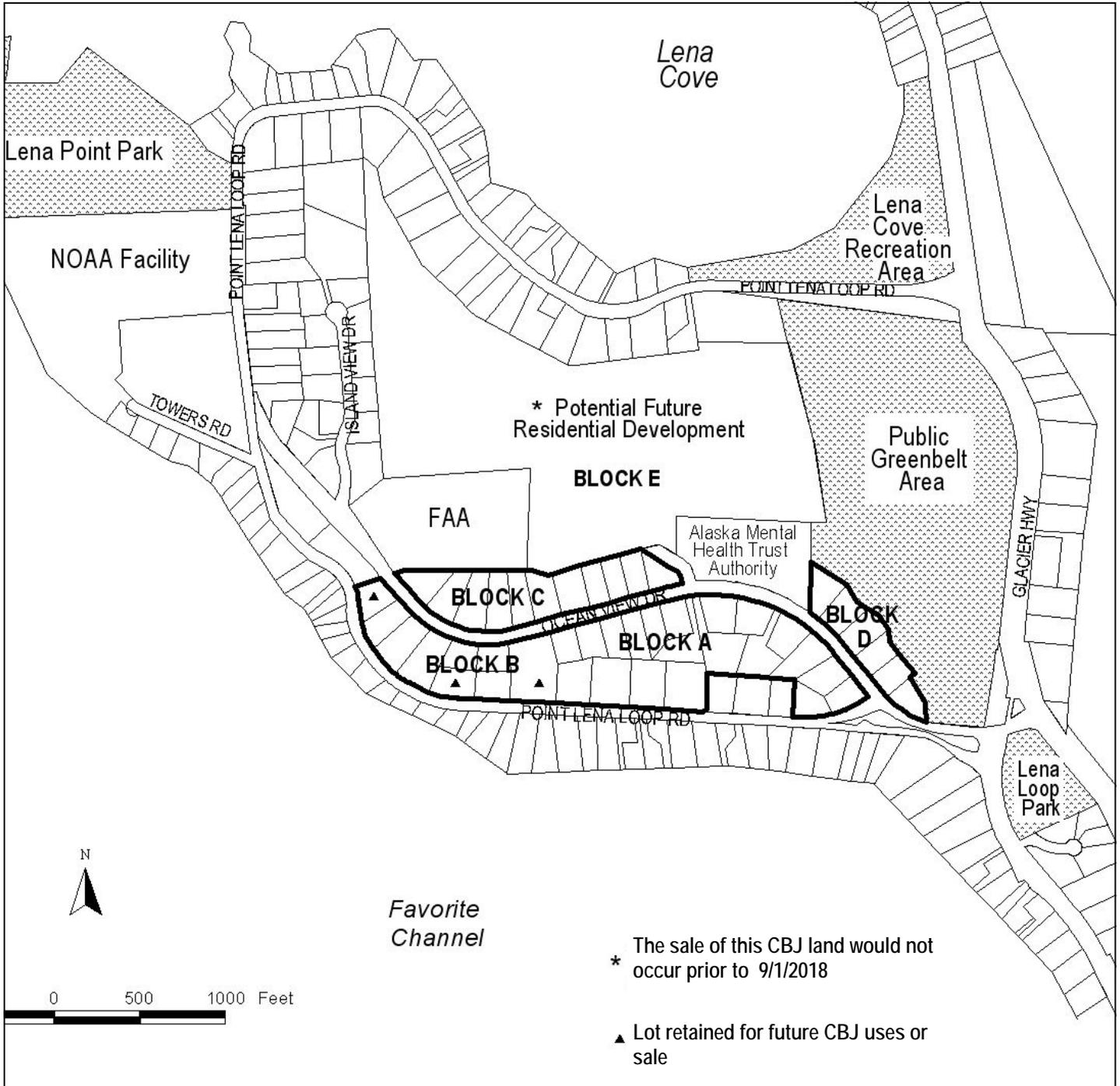
- Constructed in accordance with the project plans and specifications and are
- Located as shown on the as-built drawings prepared by Toner-Nordling and Associates, Inc. for Lena Access Road Contract No. E02-210, and are
- Suitable for constructing a single family residence with a standard spread footing foundation.
- Lot 2 has 9 feet to 11 feet of the shot rock material.
- Lot 3 has a minimum of 7 feet of the shot rock material. The allowable soil design bearing pressure value shall be a minimum of 1,500 psf.

J Lot 2, Block A is subject to a perpetual 20 foot wide sewer maintenance easement for the benefit of Lot 3, Block A.

K. Lot 8, Block C is subject to a 25-foot by 75 foot access and utility easement for the benefit of the adjoining Lot 7, Block C.

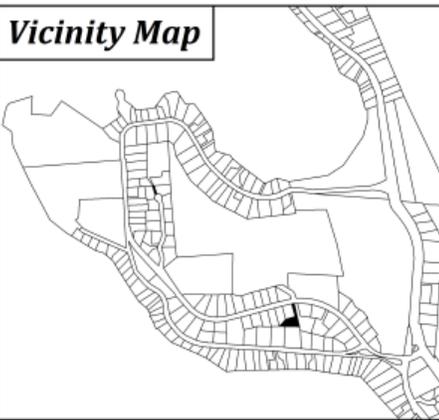
L. Access to Lots 6 through 11, Block C are re-

Lena Point Area

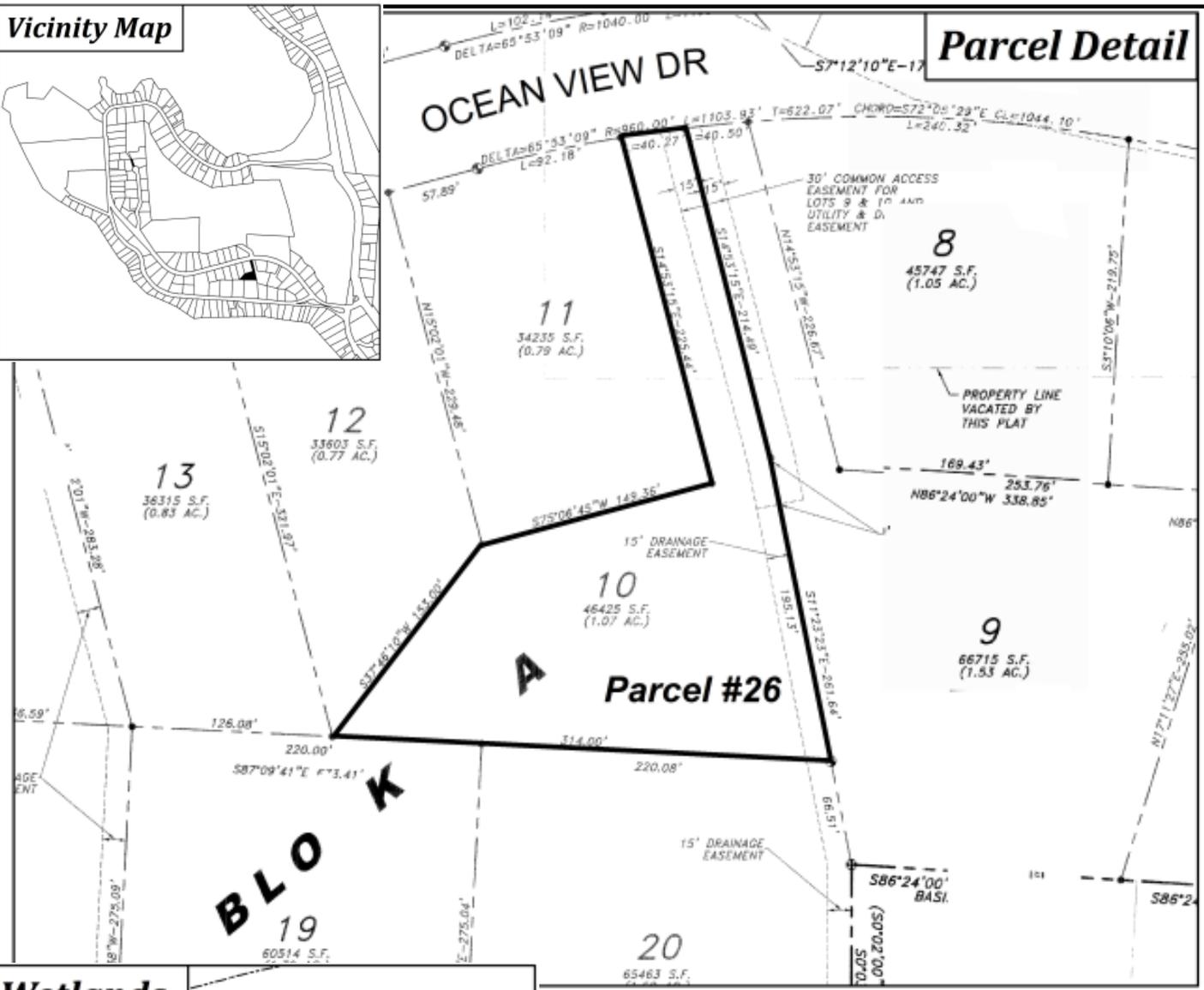


Parcel #26 Acreage: 46,425 square feet
Legal Description: Lot 10, Block A, South Lena Subdivision

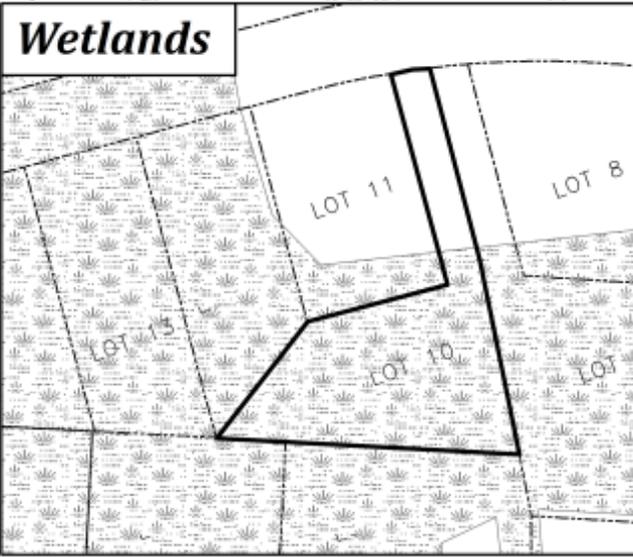
Vicinity Map



Parcel Detail



Wetlands

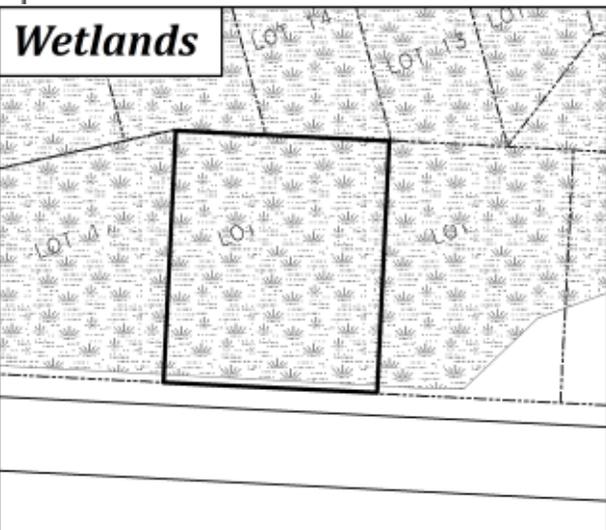
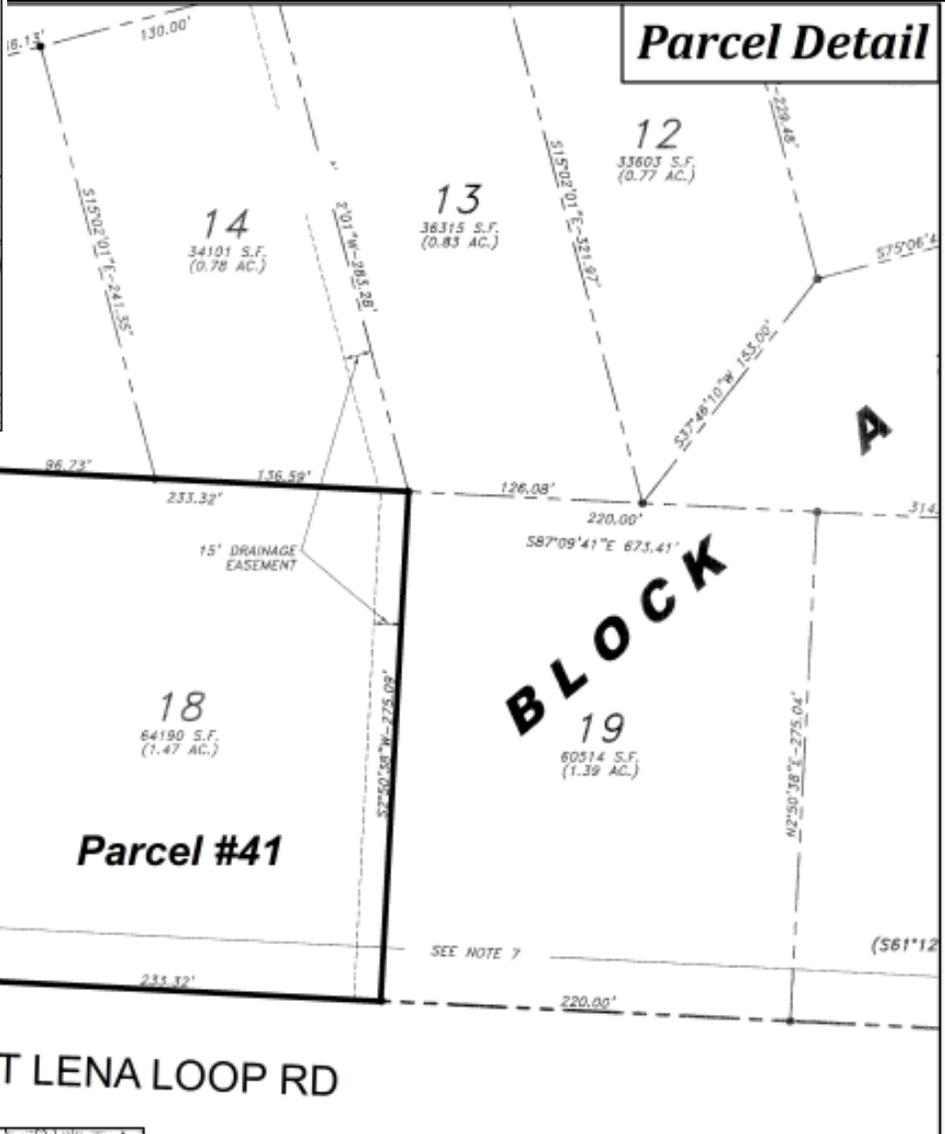
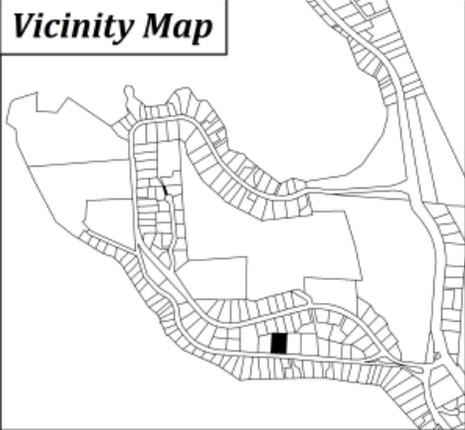


Minimum Bid: \$ 99,000

Wetlands: This lot is predominantly wetlands. The Army Corps of Engineers has permitted the filling of 13,904 square feet of wetlands.

Special Conditions: Special conditions E, F and G apply to this lot. See page 6 and 7 for descriptions of those conditions.

Parcel #41 Acreage: 64,190 square feet
Legal Description: Lot 18, Block A, South Lena Subdivision

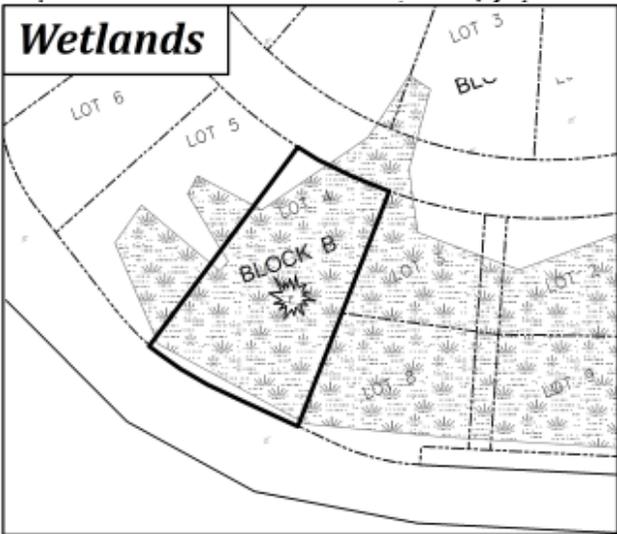
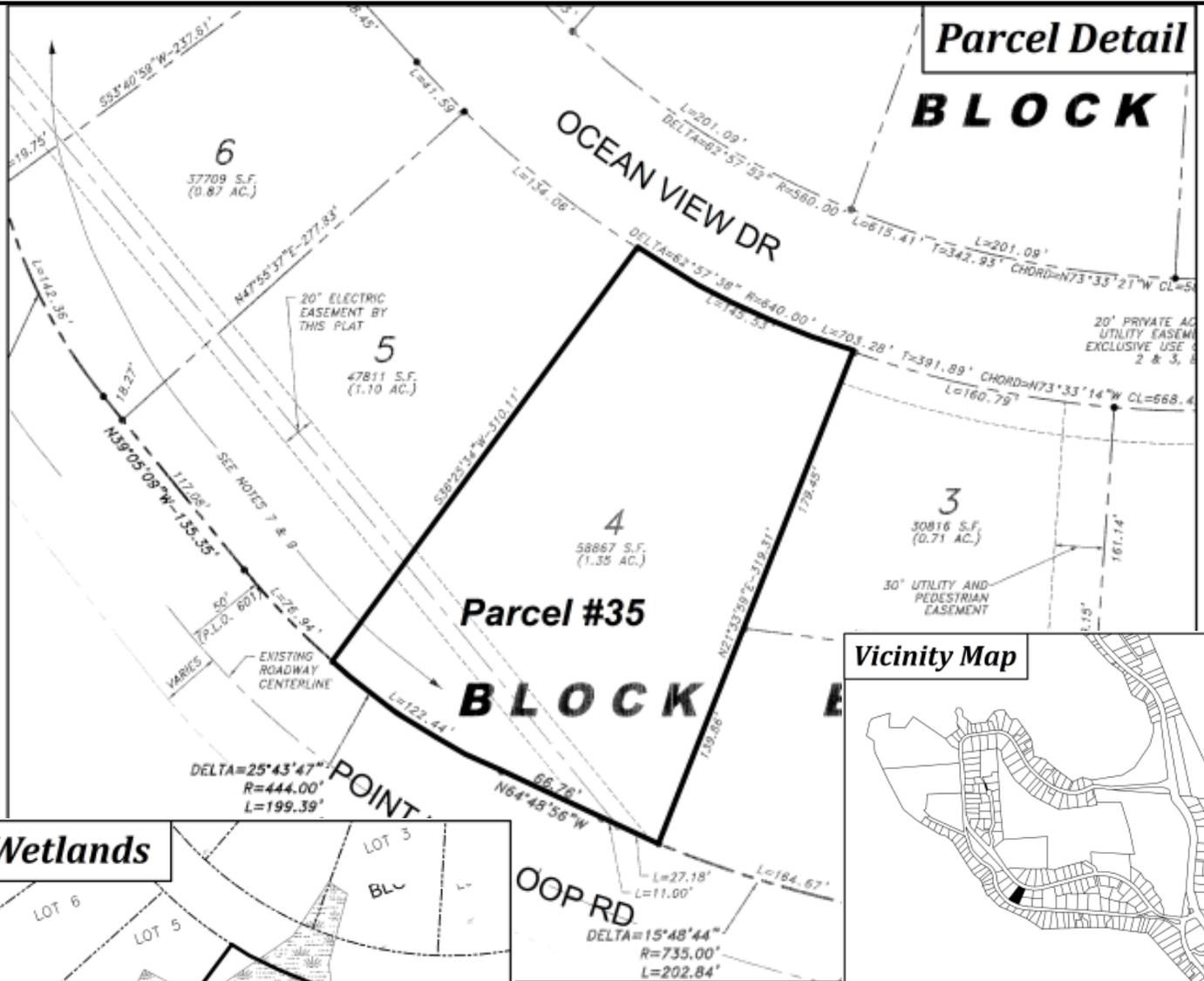


Minimum Bid: \$ 100,000

Wetlands: Wetlands are located throughout this lot. The Army Corps of Engineers has permitted the filling of 14,475 square feet of wetlands.

Special Conditions: Special conditions **B** and **E** apply to this lot. See page 6 and 7 for descriptions of those conditions.

Parcel #35 Acreage: 58,867 square feet
Legal Description: Lot 4, Block B, South Lena Subdivision



Minimum Bid: \$110,000

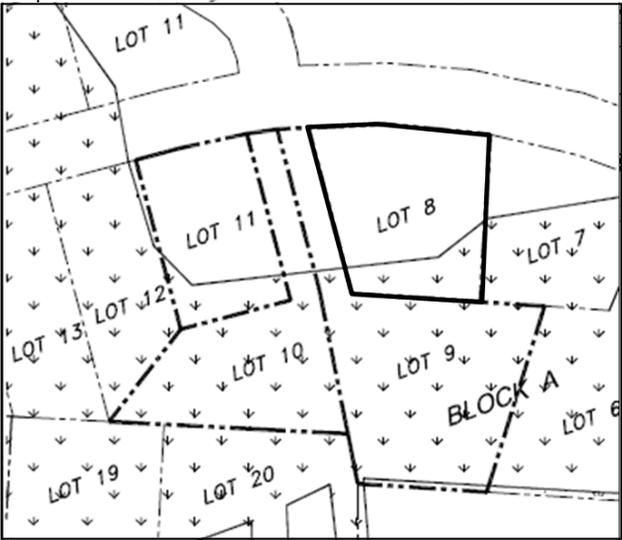
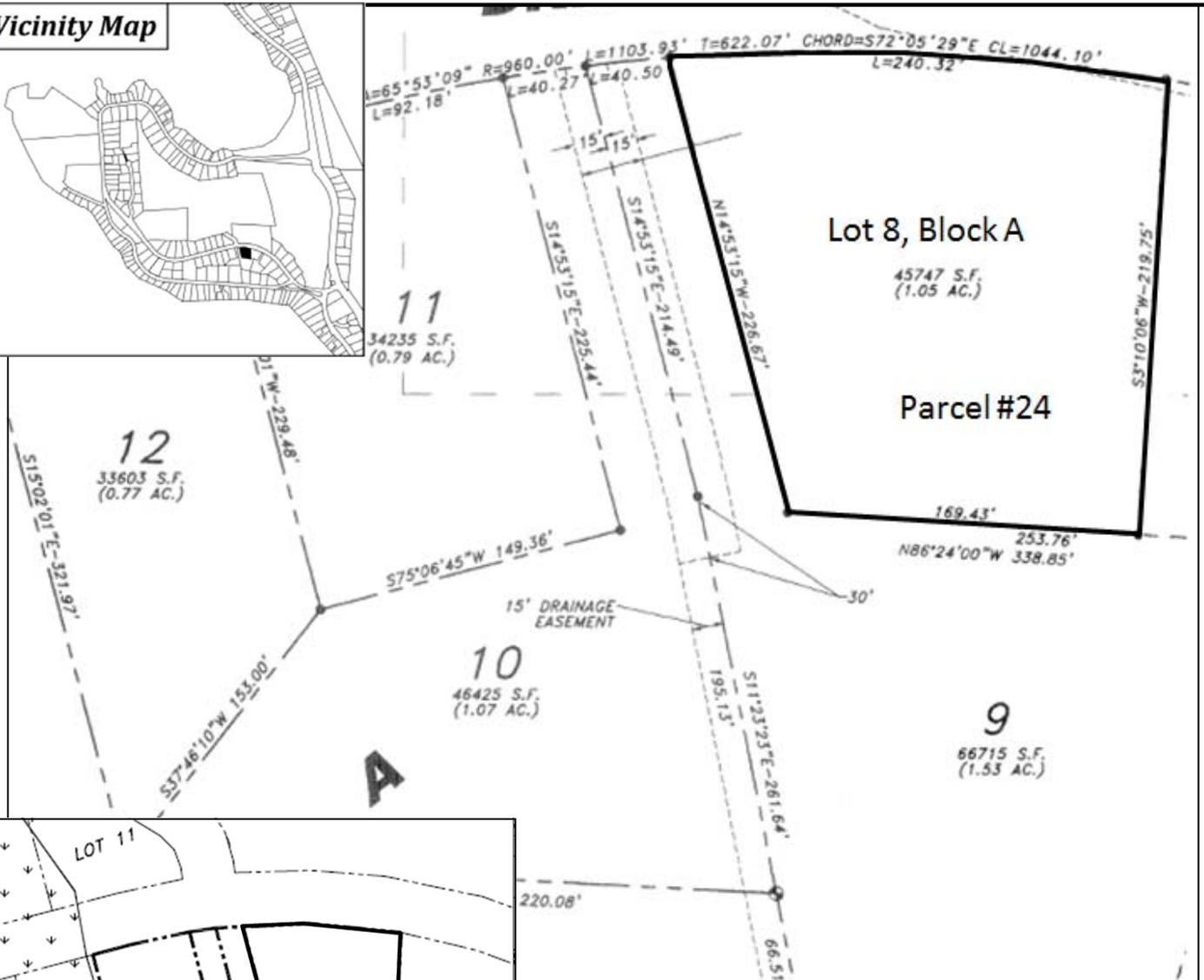
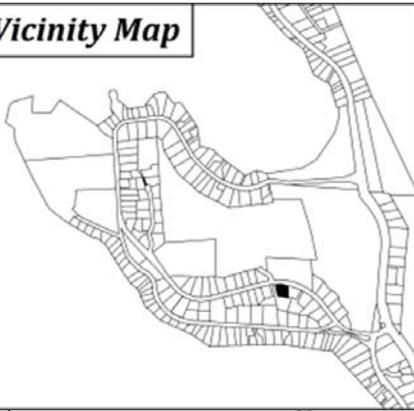
This lot was previously sold and improvements were made prior to the City regaining ownership. The City makes no guarantee of the quality of the improvements made on this lot.

Wetlands: Wetlands are located throughout this lot. The Army Corps of Engineers has permitted the filling of 12,368 square feet of wetlands.

Special Conditions: Special conditions B, C, D and H apply to this lot. See page 6 and 7 for descriptions of those conditions.

Parcel # 24 Acreage: 45,747 square feet
Legal Description: Lot 8, Block A, South Lena Subdivision

Vicinity Map

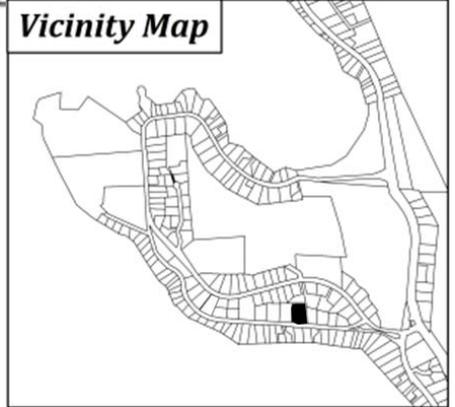
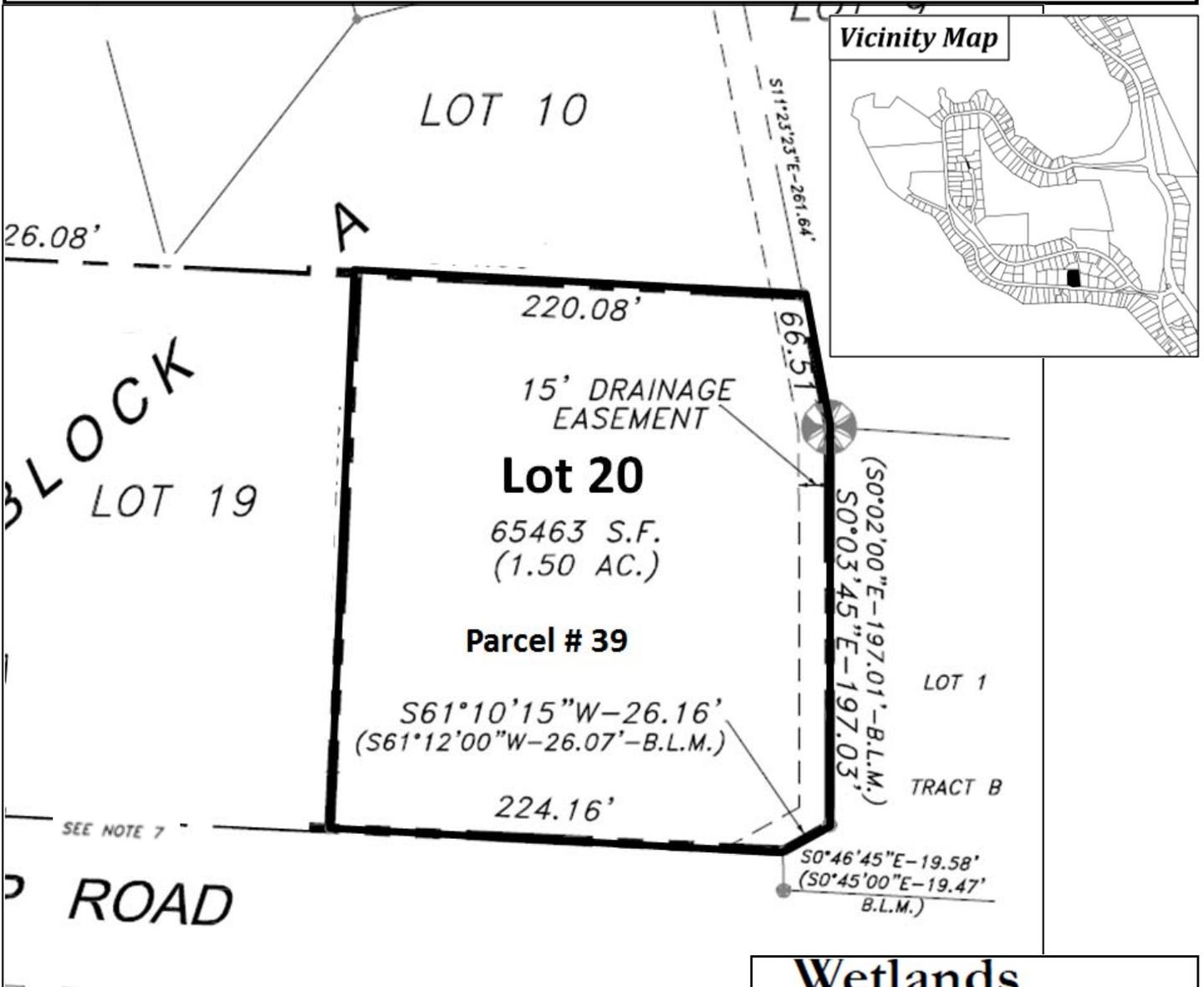


Minimum Bid: \$110,000

Wetlands: Most of this lot is uplands and all fill activities are restricted to the uplands portion of the lot. A purchaser who wants to fill the small portion of this lot that is identified as wetlands must first obtain a permit from the Army Corps of Engineers.

Special Conditions: Special conditions **A** and **G** apply to this lot. See pages 6 and 7 for descriptions of those conditions.

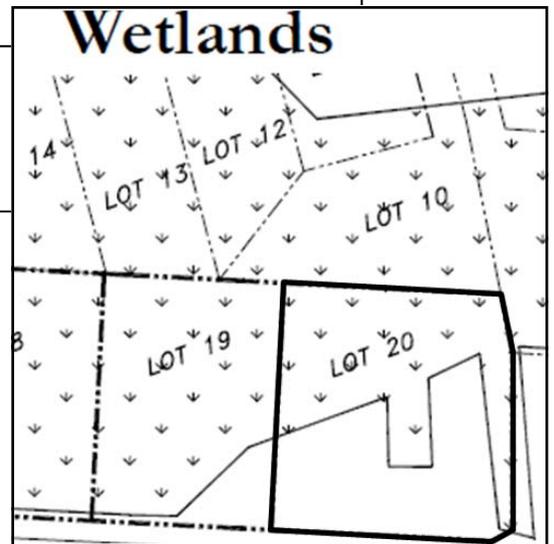
Parcel # 39 Acreage: 64,190 square feet
Legal Description: Lot 20, Block A, South Lena Subdivision



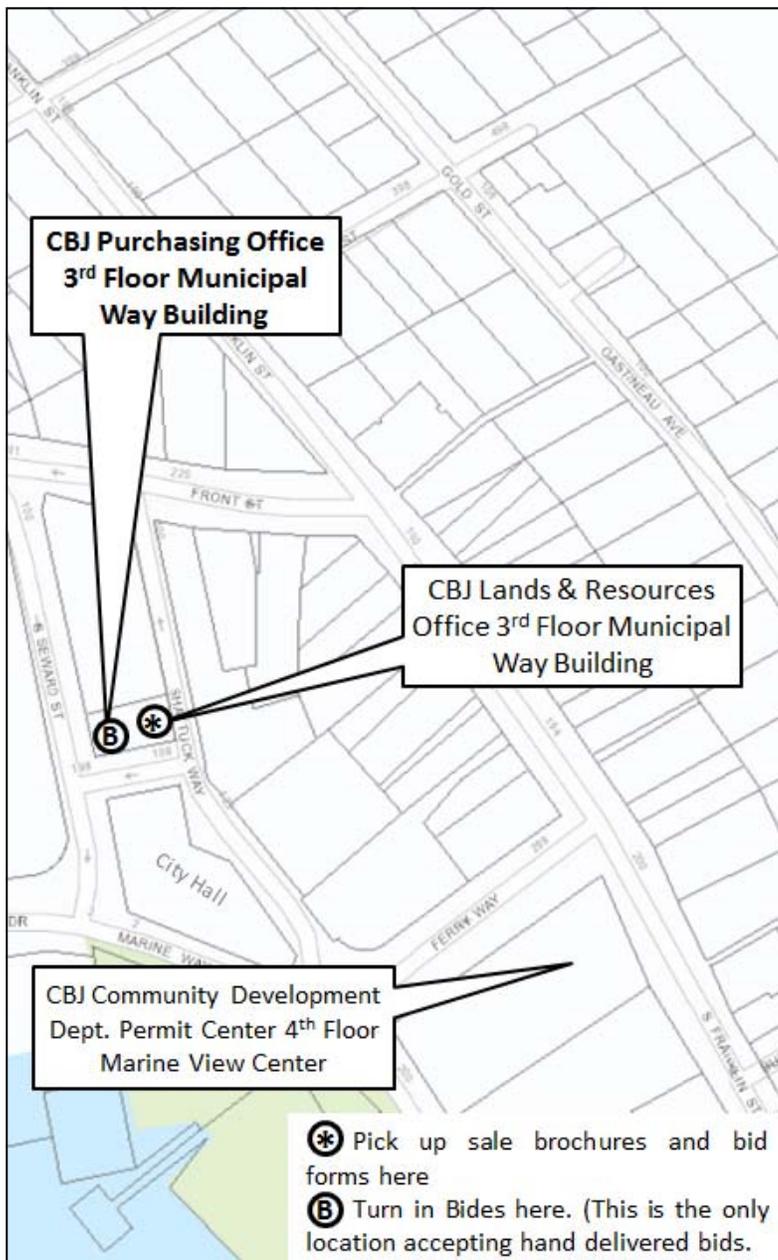
Minimum Bid: \$ 90,000

Wetlands: Wetlands are located throughout this lot. The Army Corps of Engineers has permitted the filling of 4,486 square feet of wetlands.

Special Conditions: Special conditions **B** and **E** apply to this lot. See pages 6-7 for descriptions of those condi-



How to Find Us!



Need a sales brochure or Bid Form?

- The sales brochure and Bid Form are available online under “News Items” at: www.juneau.org. Click on “Spring 2016 Lena Land Sale.”
- Copies are also available at City Hall.

Have questions about wetlands and the Corps of Engineers permit?

- Contact the Corps of Engineers at (907) 790-4490.

Want to submit your bid by mail?

- Mail bids to:
CBJ Purchasing Office
155 S. Seward Street
Juneau, AK 99801

Bids, including those delivered by courier services, must be date and time stamped by the CBJ Purchasing Office by 4:30 p.m. Alaska time, Friday May 13, 2016, a postmark by that date is insufficient. Late bids will not be accepted. Mail delivery times to Alaska may take longer than to other areas of the United States. Questions? Call CBJ Purchasing at (907) 586-5258.

Prefer to submit your bid in person?

- Hand delivered bids will be accepted only at the Purchasing Office, located at 105 Municipal Way, on the 3rd floor of the Municipal Way Building.

Note, the physical address of the Purchasing Office is different from the mailing address.

Have questions about zoning and building codes?

- Call the Community Development Department at (907) 586-0715 or visit the Permit Center located on the 4th floor of the Marine View Building at 230 S. Franklin Street.

Have questions about on-lot wastewater regulations and permitting requirements?

- Call ADEC at (907) 465-5167 and
- Call CBJ Community Development Department at (907) 586-0715.

Have other questions?

- Call the Lands and Resources Office at (907) 586-5252 or stop by the office located on the 3rd floor of the Municipal Way Building, 105 Municipal Way.

Chapter 01

RESIDENTIAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM PERMITTING AND OVERSIGHT PROGRAM FOR MAJOR SUBDIVISIONS

06 CBJAC 01.010 Purpose.

06 CBJAC 01.020 Objectives.

06 CBJAC 01.030 Onsite wastewater treatment and disposal systems regulated.

06 CBJAC 01.040 Permit required.

06 CBJAC 01.050 Permit fees.

06 CBJAC 01.060 System requirements.

06 CBJAC 01.070 Inspections and approvals required.

06 CBJAC 01.080 Definitions.

06 CBJAC 01.010 Purpose.

This regulation is enacted to provide standards for the department to provide an inspection and oversight program for residential onsite wastewater treatment and disposal systems (OWTDS). This regulation is enacted pursuant to authority granted under Assembly Ordinance Serial No. 2005-16(b).

This inspection and oversight program is enacted to support and augment, but not replace ADEC standards and authorities.
(Eff. 9-13-2005)

06 CBJAC 01.020 Objectives.

The principal objectives of these regulations are as follows:

- (a) Protect public health;
- (b) Allow for development of lands not served by a centralized municipal wastewater treatment system;
- (c) Promote compliance with existing ADEC regulations.
(Eff. 9-13-2005)

06 CBJAC 01.030 Onsite Wastewater Treatment and Disposal Systems Regulated.

- (a) Except as provided in (b), all property owners who install or cause to be installed an OWTDS on a lot created by a major residential subdivision after July 1, 2005, which is not served by a centralized municipal wastewater treatment system, are required to comply with this Chapter;
- (b) Properties outside Service Area 9 (Roaded Service Area) are exempt.
(Eff. 9-13-2005)

06 CBJAC 01.040 Permit required.

- (a) No person may install an OWTDS on property regulated by this chapter except as authorized by a permit issued by the director.
- (b) The director may issue a permit for the installation of an OWTDS subject to the following:
 - a. Submission of a completed permit application.
 - b. Payment by the applicant of the permit fee.
 - c. Provision by the applicant of an ADEC approval to construct for the OWTDS for the property.
 - d. Such conditions as the director may impose.
- (c) Permittees shall have a copy of the permit immediately available for inspection at all times while engaged in activities pursuant to the permit. A copy of the permit shall be prominently displayed at the OWTDS site.
- (d) The permit's term shall be concurrent with the ADEC approval to construct for the OWTDS.
(Eff. 9-13-2005)

06 CBJAC 01.050 Permit fees.

- (a) A \$100.00 fee shall be charged for the permit.
(Eff. 9-13-2005)

06 CBJAC 01.060 System requirements.

- (a) The OWTDS shall be required to have the following features:
 - a. The soil absorption system shall have a minimum of two four-inch diameter inspection ports. The ports shall be constructed to allow for visual inspection of the ability of the field to absorb effluent.
 - b. Treatment tanks shall have all hatches raised to grade. Access hatches may not be covered with permanent features which limit or reduce access.
 - c. Two inches of rigid polystyrene insulation is required for all portions of the top and sides of treatment tanks that are covered with less than 42 inches of soil.
- (Eff. 9-13-2005)

06 CBJAC 01.070 Inspections and approvals required.

- (a) The permittee shall be required to obtain the following inspections and approvals prior to connecting the building plumbing to the on-site sewage treatment and disposal system. Inspections will be made to verify:
 - a. Existing site conformance with information submitted on the approved plans;
 - b. Construction conformance with information submitted on the approved plans;
 - c. Installation of insulation;
 - d. Installation of access and ports.
- (b) No OWTDS permit shall be approved until the permittee provides a copy of an ADEC approval to operate for the OWTDS.
- (c) No OWTDS permit shall be approved until the permittee has signed a CBJ maintenance contract as specified in department of public works regulations in Title 03, Chapter 41.
- (d) No temporary or permanent occupancy permit shall be issued until the OWTDS permit has been approved by the department.
(Eff. 9-13-2005)

06 CBJAC 01.080 Definitions.

ADEC means the Alaska Department of Environmental Conservation.

CBJ means the City and Borough of Juneau.

Department means the City and Borough of Juneau Engineering Department.

Director means the Director of the City and Borough of Juneau Engineering Department.

Major residential subdivision means subdivision of residentially zoned lands consisting of five or more newly created lots.

OWTDS means onsite wastewater treatment and disposal system(s), approved for installation and operation by ADEC and inspected and approved for operation by the CBJ.

Permit means an onsite wastewater treatment and disposal system construction permit as issued by the CBJ

Property owner/user means any person, or persons, who have legal title to the premises and/or property.

Soil absorption system means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes drain fields, leach fields, seepage beds, or seepage pits, but does not include a cesspool.

(Eff. 9-13-2005)

Title 03, Chapter 41

Residential Onsite Wastewater Treatment and Disposal System Maintenance Program

Sections

010 Purpose.

020 Objectives.

030 Service Contract.

040 OWTDS Services.

050 Responsibilities of Property Owner.

060 Service Fees.

070 Penalties and Fines.

080 Definitions.

03 CBJAC 41.010 Purpose.

This regulation is enacted to provide standards for the department to provide an inspection and maintenance program for onsite wastewater treatment and disposal systems (OWTDS) of major residential subdivisions for the purpose of protecting surface water and ground water from contamination by human sewage and waterborne household wastes; the protection of the environment and the public's health and safety; and the elimination and prevention of the development of public nuisances, pursuant to the authority granted under Assembly Ordinance 2005-17(b).
(Eff. 9-13-2005)

03 CBJAC 41.020 Objectives.

The principal objectives of these regulations are as follows:

- (a) To monitor and ensure the appropriate use, reliable operation, regular maintenance, and repair and replacement of all OWTDS in major residential subdivisions developed after July 1, 2005, and not served by a centralized municipal wastewater treatment system;
- (b) Prevent and control water-borne disease, groundwater and surface water degradation, and public nuisance conditions through technical assistance, education, field inspections, monitoring, maintenance, enforcement and compliance;
- (c) Establish minimum standards for OWTDS operation, maintenance, repair, and reconstruction to prevent contamination, and if contamination is discovered, identify and control its consequences, abate its source, and provide for migration.
(Eff. 9-13-2005)

03 CBJAC 41.030 Service Contract.

- (a) Except as provided in (c), all property owners who install or cause to be installed an OWTDS on their property within a major residential subdivision developed after July 1, 2005, which is not served by a centralized municipal wastewater treatment system, are required to enter into a service contract agreement with the Department, or with a service contractor approved by the Department and the manufacturer of the property owner's treatment system, for system inspection, monitoring, and sludge pumping services.
- (b) New property owners of an existing home with an OWTDS are required to have a service contract for continued system inspection, monitoring, and sludge pumping services in place and effective within 60 calendar days of transfer of property ownership.
- (c) Properties outside Service Area 9 (Roaded Service Area) are exempt.

03 CBJAC 41.040 OWTDS Services.

The service contract shall include provisions for the following OWTDS services:

- (a) Annual inspection and completion of an OWTDS inspection and deficiency report, a copy of which will be provided to the property owner within 60 days of the inspection. The Department or contractor will observe and report on the condition/operation of the following components of the OWTDS:
 - (1) Septic tanks and treatment plants including access ports, aeration system operation, control system operation, and filtration media condition, as applicable and observable;
 - (2) Disinfection systems, such as ultra-violet lights or chlorine system;
 - (3) Effluent filters, pumps, and inspection ports;

- (4) Soil absorption systems, and marine outfalls;
 - (5) Presence of ground water and french or curtain drains around leach fields;
 - (6) Other OWTDS appurtenance as applicable to the specific system.
- (b) Notification of the property owner and the Department in writing of any system failures, corrections or repairs needed. The OWTDS inspection and deficiency report shall include, but not be limited to:
- (1) The address of the site.
 - (2) The parcel identification number.
 - (3) The name of the property owner.
 - (4) Legal description of property.
 - (5) The location of the OWTDS on the property.
 - (6) A description of the current operational and functional status of the OWTDS.
 - (7) Identification of any necessary repairs or replacement of all or portions of the OWTDS.
 - (8) The results of any special testing required by the Department.
 - (9) Other relevant or unusual observations or system failures related to the OWTDS.
 - (10) Recommendations to extend the life of the OWTDS and to prevent the premature failure of the OWTDS.
 - (11) Educational material(s) about OWTDS proper use and maintenance that have been approved by the Department.
 - (12) Completed forms approved by the Department.
- (c) Sludge pumping and tank inspection. Sludge shall be periodically pumped from the tank to maintain proper functioning of the system. Tank inspections shall include sludge and scum levels, determination of the condition of baffles, where feasible, and determination of the integrity of the tank, walls, lids and other structural components, where feasible.
- (d) Use of qualified contractors to make required repairs to their OWTDS systems. In the event a qualified contractor is not available to do the work within the required time, the property owner may request the Department to arrange for the required repairs on a time and material cost basis. The property owner will agree to pay for Department acquired repair services by signing a work order prior to repairs and will be responsible for payment for all such service.
- (e) Educational materials for property owners that identify best practices for use and operation of OWTDS to optimize system performance and promote longevity.
- (f) The Department shall maintain copies of all current service contract agreements, approved OWTDS plans, and OWTDS inspection and deficiency reports and repair actions. These documents shall be treated as public records and maintained as part of the property's building permit files.

03 CBJAC 41.050 Responsibilities of the Property Owner.

Ownership of the OWTDS shall remain vested with the property owner, who shall at all times be responsible for the following:

- (a) Operating the OWTDS in a responsible manner to ensure all OWTDS components are operating to effectively treat waste, and in accordance with all operating manuals and instructions.
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Appendix B

- (b) Paying all costs associated with operating, maintaining, and repairing all components of the OWTDS. The property owner shall be responsible for contacting local plumbing service providers in the event of system backup or failure. The property owner shall contract with qualified technicians for repair and routine maintenance of mechanical, aerobic, and control systems in order to maintain warranties.
- (c) Maintaining a continuous electrical supply to those OWTDS system components that require electricity to function.
- (d) Providing the CBJ and/or service contractor clear unobstructed physical access to the OWTDS.
 - (1) Access shall be for the purpose of performing the services stated in the contract.
 - (2) The access route shall be of sufficient width and grade to accommodate a pump truck to service the OWTDS.
 - (3) All access to the OWTDS shall be at no charge to the CBJ or service contractor.
 - (4) Access shall be granted to the CBJ, and, if applicable, service contractor, to correct imminent threats to public health if the property owner fails to comply with required OWTDS repairs.
- (e) Providing unobstructed service access to all septic or treatment plant lids and access ports. Access ports to septic or treatment tanks shall not be buried.
- (f) Providing to the CBJ a copy of the OWTDS design plans, any special maintenance schedules or manufacturers' plant data, and the ADEC final approval to operate the wastewater system for the building permit file.
- (g) Making the repairs and corrections noted in OWTDS Inspection and Deficiency Reports. The property owner shall have 30 calendar days within which to submit a proposed corrective action plan and contract for services in order to bring the affected system into compliance as identified in the report. All corrective actions shall be completed within 120 calendar days of Department approval of the corrective action plan. The property owner shall contact the Department for re-inspection to verify system repairs and shall provide documentation of the completed system repairs.
- (h) Obtaining plan approval by both the Department and the ADEC, as required, for any reconstruction of the OWTDS. The property owner shall provide such plan approvals to the Department along with the corrective action plans. The property owner shall comply with ADEC permit requirements per 18 AAC 72.200.
- (i) Notifying the Department within 30 days of any sale or transfer of the property and/or change to the service contract.

03 CBJAC 41.060 Service Fees.

- (a) The monthly fee for OWTDS inspection and maintenance services if provided by the Department under contract shall, at a minimum, be equal to the flat rate residential fee paid by property owners connected to the centralized wastewater systems. Monthly service fees shall be set to collect actual cost to the city for providing the service.
- (b) The CBJ shall evaluate and adjust the monthly fee, as needed, to meet the specific maintenance and inspection costs incurred by the CBJ in performing the contract services. These evaluations and adjustments in the fee will occur once every two years, coinciding with rate adjustments for the Wastewater Utility customers connected to the centralized wastewater systems.
- (c) Property owners who contract directly with a service contractor for the provision of OWTDS inspection and maintenance services as provided in 03 CBJAC.41.030, are not subject to the service fees provided for in this section.
- (d) On or before December 31, 2010, property owners previously under contract with the Public Works Department for OWTDS services who have contracted with a service contractor, may request credit for unexpended service fees. All requests for credit must be received by the close of business December 31, 2010.

03 CBJAC 41.070 Penalties and Fines.

- (a) A property owner who fails to make the required repairs or fails to submit an acceptable action plan within the required timeframe shall be subject to a non-compliance fine and enforcement action. A non-compliance fine of \$100.00 shall be charged to the property owner's utility bill at 30 calendar days for failure to file a corrective action plan with the Department, and/or at 120 calendar days for failure to make the required repairs. The property owner will be sent a letter giving notice that the required system repairs must be made within an additional 30 calendar days from the end of the 120 calendar day repair period.

- (b) A property owner who fails to make the required OWTDS repairs within 150 calendar days of approval of the corrective action plan shall be fined an additional \$200.00 for non-compliance and shall be sent written notice of water service shutoff within ten calendar days of receipt of notice if repairs are not made.
- (c) Any level of enforcement may be waived by the Department director, or their designee, if the property owner shows reasonable effort to comply with the OWTDS repair requirements. The Department director, or designee, shall have the authority to negotiate a compliance schedule with the property owner for correcting system deficiencies, and to waive the non-compliance fines as deemed appropriate.
- (d) If the Department director, or designee, determines that an OWTDS failure has occurred that endangers the public health and constitutes an emergency, the Department may take such steps as are necessary to resolve the problem, and to bill the property owner for the full costs of resolving the problem.

03 CBJAC 41.080 Definitions.

Access means the property owner shall provide access to the CBJ, or service contractor, to all parts of the system necessary for adequate inspection, sludge pumping, and emergency repairs.

Aeration means the mechanical application of oxygen to the wastewater to support microorganisms which synthesize organics.

ADEC means the Alaska Department of Environmental Conservation.

BOD means biochemical oxygen demand; the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees C. BOD is used in measuring the waste loadings to a treatment system and in evaluating the BOD-removal efficiency of such systems.

CBJ means the City and Borough of Juneau.

Customer means the property owner.

Department means the City and Borough of Juneau Engineering Department.

Disinfect means to treat by means of chemical, physical, or other process, such as chlorination, ozonation, application of ultraviolet light, or sterilization designed to eliminate pathogenic organisms, and produce an effluent with the following characteristics:

- (A) An arithmetic mean of the values for a minimum of five effluent samples collected in 30 consecutive days that does not exceed 200 fecal coliform per 100 milliliter.
- (B) An arithmetic mean of the values for effluent samples collected in seven consecutive days that does not exceed 400 fecal coliform in 100 milliliters.

Effluent means the treated wastewater which is released into the environment (groundwater, rivers, or ocean).

Failure is defined to include:

- (A) The backup of sewage into a structure;
- (B) Discharge of effluent onto the ground surface;
- (C) Excessive sewer odors;
- (D) The connection of an OWTDS to a storm drain;
- (E) Liquid level in the septic tank or treatment plant above the outlet invert;
- (F) Structural failure of the septic tank or treatment plant;

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- (G) Discharge of untreated or inadequately treated sewage onto the ground or into any stream or water body;
- (H) Improper operation of mechanical and/or electrical system components;
- (I) An operating liquid level in a disposal field above the outlet holes in the pipe of such field;
- (J) Water samples not meeting the Alaska Water Quality Standards criteria for surface drainages, and/or the Alaska Drinking Water Standards criteria for adjacent wells;
- (K) Substantial nonconformance with water well construction requirements as defined by ADEC;
- (L) Substantial nonconformance with water well isolation from contamination source requirements as defined by ADEC.

Fecal Coliform Bacteria means those bacteria that can ferment lactose at 44.5° C to produce gas in a multiple tube procedure; "fecal coliform bacteria" also means all bacterial that produce blue colonies with 24 +/- hours of incubation at 44.5 (+/- 0.2°) C in an M-FC broth medium.

Major residential subdivision means subdivision of residentially zoned lands consisting of four or more newly created lots.

OWTDS means onsite wastewater treatment and disposal system, approved for installation by ADEC and inspected and approved for operation by the CBJ.

Package treatment plant means an alternate onsite wastewater treatment system that is a manufactured modular system for domestic wastewater that typically includes both primary and secondary treatment, and serves less than 25 persons; "package treatment plant" does not include septic or holding tanks.

Property owner/user means any person, or persons, who have legal title to the subject premises and/or property.

Septic tank means a watertight, covered receptacle designed and built to

- (A) Receives domestic wastewater;
- (B) Separate floating solids and settling suspended solids from the liquid;
- (C) Anaerobically digest organic matter;
- (D) Store digested solids through a period of detention; and
- (E) Allow clarified liquids to discharge for final disposal.

Service contractor means a contractor approved by the Department and by the treatment system manufacturer to maintain the OWTDS.

Sludge means a solid, semisolid, or liquid waste that contains at least five percent solids by weight and that is generated in a wastewater treatment plant or septic tank.

Soil absorption system means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes drain fields, leach fields, seepage beds, or seepage pits, but does not include a cesspool.

TSS means total suspended solids and refers to that portion of the total solids which are retained by a filter. Total solids refer to matter suspended or dissolved in wastewater and includes TSS and total dissolved solids (that portion that passes through the filter).

Wastewater utility means the CBJ Wastewater Utility administered through the Department of Public Works.

Alaska Department of Environmental Conservation (ADEC) and City and Borough of Juneau (CBJ)

Permit and Approval Process

for Installing Onsite Wastewater Treatment and Disposal Systems (OWTDSs)

South Lena Subdivision

Responsibilities of the Property Owner

Step 1: *Engineered Design.*

Hire a licensed professional engineer to design an OWTDS appropriate for the specific lot where it will be installed.

Step 2: *ADEC Approval to Construct.*

Submit the engineered design, application information, and required fees to ADEC for review in order to obtain ADEC's "Approval to Construct" the OWTDS. ADEC review fees currently range from \$270 - \$640, depending on the size of the house and whether or not a waiver is required. Typically, the engineer who designs the system will submit all necessary information to ADEC. ADEC's review time is estimated to take 30 days. For more detailed information regarding what is required to obtain ADEC approval, go to: http://www.dec.state.ak.us/water/wwdp/onsite/ww_planreview-cklist.htm

Step 3: *CBJ Utility Permit and Customer Service Agreement.*

Complete the OWTDS permit application checklist, available online at: <http://www.juneau.org/cddftp/documents/OWTDSPermitChecklist.pdf>. Submit the application for an OWTDS "Utility Permit" to the CBJ Permit Center. This application can accompany the building permit application for a new house, or it can be a stand alone application. This application package must include the following:

1. ADEC's Approval to Construct documentation and ADEC-approved construction plans (See Step 2).
2. A site plan that identifies the following:
 - (a) Vehicular access route (to accommodate a pump truck to service the treatment plant)
 - (b) Electrical supply route
 - (c) OWTDS location
 - (d) Drain field size and location
 - (e) Inspection port location
 - (f) Sewer line location (from house to treatment plant)
 - (g) Topographic information of the lot
3. **\$100 CBJ permit application fee.**

Following review of the application, an OWTDS "Utility Permit" is issued.

Step 4: *Installation and Inspection of OWTDS.*

Install OWTDS. Contact CBJ Permit Center to arrange for an inspection before burial of the treatment plant or drain field. CBJ must inspect and approve the installation.

Step 5: OWTDS As-Built Drawings.

Hire licensed engineer/surveyor to prepare as-built drawings of OWTDS. This step should be done in conjunction with any other as-built survey requirements for the house.

Step 6: ADEC Approval to Operate.

Submit ADEC “Certificate of Construction” form (requires signature from property owner, contractor, and engineer), record drawings (if required), and verification that any conditions placed on the “Approval to Construct” have been met, to ADEC. Obtain ADEC’s “Final Approval to Operate.”

Step 7: CBJ Final Approval of OWTDS Utility Permit.

Contact CBJ Permit Center to obtain final approval of the Utility Permit. To obtain CBJ final approval, the OWTDS installation must be approved by a CBJ inspector and the following must be submitted:

1. A signed customer service agreement with a CBJ-approved, manufacturer-certified contractor or with the CBJ per 03 CBJAC 41.030 et al.
2. OWTDS as-built drawing(s) (See Step 5).
2. ADEC’s “Final Approval to Operate” (See Step 6).

Step 8: Temporary Certificate of Occupancy or Final Certificate of Occupancy.

Contact CBJ Permit Center to obtain a “Temporary Certificate of Occupancy” or a final “Certificate of Occupancy.” Final CBJ approval of the OWTDS Utility Permit must occur prior to issuance of either a Temporary Certificate of Occupancy or a Certificate of Occupancy. Monthly fees under customer service agreements with the CBJ shall commence upon issuance of either a temporary or final certificate of occupancy, whichever occurs first.

Contact Information:

CBJ Permit Center

Physical Address: Marine View Building
230 S. Franklin St., 4th Floor
Juneau, AK

Mailing Address: 155 S. Seward St.
Juneau, AK 99801

Telephone: (907) 586-0770

Fax: (907) 586-3365

Email: PERMITS@Juneau.org

ADEC

Physical Address: 410 Willoughby Ave.
Juneau, AK

Mailing Address: P.O. Box 111800
Juneau, AK 99811-1800

Telephone: (907) 465-5167

Fax: (907) 465-5274

Website: http://www.dec.state.ak.us/water/wwdp/onsite/ww_planreview-ccklist.htm

City & Borough of Juneau Land Sale



South Lena Subdivision