



REGULAR PLANNING COMMISSION AGENDA

July 23, 2024 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/82652961046> or 1-253-215-8782 Webinar ID: 826 5296 1046

A. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. June 25th, 2024 Draft Minutes Regular Planning Commission - **APPROVED**

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

2. **USE2024 0004:** A Conditional Use Permit to continue an existing gravel mining operation in the Lemon Creek streambed. - **APPROVED AS RECOMMENDED**

Applicant: SECON

Location: Anka Street

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit to continue gravel extraction in the lower Lemon Creek streambed. This is the fourth Conditional Use Permit for this development. The extraction method and conditions are the same as past proposals.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2024 0004 with the requested conditions.

3. **STV2024 0001:** The Applicant requests to vacate the cul-de-sac at the end of Hendrickson Road, which is an unmaintained CBJ public right-of-way (ROW). The structure is within eight (8) feet of the cul-de-sac. - **APPROVED AS RECOMMENDED**

Applicant: Francis & Sarah Rue

Location: Hendrickson Road

DIRECTOR'S REPORT

Lot 1 is the only dwelling that gains access via the cul-de-sac. The vacation of the cul-de-sac would add an additional 5,588 square feet to Lot 1 and bring the property into conformance by providing land to accommodate the front yard setback. Lot 4 would gain an additional 500 square feet.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings, and recommends approval with conditions to the Assembly for the requested public way vacation with the following conditions:

Condition 1: Prior to approval of the ROW vacation, a 20-foot utility easement accommodating CBJ access to Sherry Lot 1 utilities must be shown on the preliminary plat and language must be approved by CBJ General Engineering.

Condition 2: Prior to approval of the ROW vacation, the owner of Sherry Lot 1 must either decommission the water services by removing the stub and plugging the connection at the saddle or provide documentation or financial guarantee in the form of a bond or other surety to Community Development that work was completed.

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

4. PWP2024 0003: Parking Waiver Permit - DENIED

Applicant: Hali Duran

Location: 120 W. Ninth Street

DIRECTOR'S REPORT

The applicant requests a Parking Waiver to waive one (1) parking space required for an accessory apartment on a substandard lot in a D10 zoning district.

This application relates to USE2024 0011.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt Director's analysis and findings and APPROVE the requested Parking Waiver.

5. USE2024 0011: Conditional Use Permit for an accessory apartment - APPROVED AS RECOMMENDED

Applicant: Hali Duran

Location: 120 W. Ninth Street

DIRECTOR'S REPORT

Applicant requests a Conditional Use Permit to construct a 573 square foot accessory apartment in the basement of an existing single-family dwelling in a D10 zoning district. CBJ 49.25.510(k)(2)(G)(ii) allows efficiency or one-bedroom accessory apartments under 600 sq. ft. to be built in a multi-family zoning district with a Conditional Use Permit if the primary use of the lot is a single-family dwelling.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE Conditional Use Permit USE2024 0011 with conditions.

K. OTHER BUSINESS

L. STAFF REPORTS

M. COMMITTEE REPORTS

N. LIAISON REPORT

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. SUPPLEMENTAL MATERIALS

Additional Materials

[6.](#) Additional Materials

S. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

June 25, 2024

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Pedersen.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Mandy Cole, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:00 p.m.

Commissioners present: Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Nina Keller; David Epstein, Jessalynn Rintala, Lacey Derr

Commissioners present via video conferencing – None

Commissioners absent: Travis Arndt, Clerk; Matthew Bell, Assistant Clerk; Adam Brown

Staff present: Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Nicolette Chappell, CDD Administrative Coordinator; Daniele Gaucher, Administrative Officer; Ilsa Lund, Planner I

Assembly members: Paul Kelly

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

IV. APPROVAL OF MINUTES

A. May 28, 2024 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Epstein to approve the May 28, 2024 Planning Commission Regular Meeting minutes.*

The motion passed with no objection.

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – by Chair Cole

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

VII. ITEMS FOR RECONSIDERATION - None

VIII. CONSENT AGENDA - None

IX. UNFINISHED BUSINESS - None

X. REGULAR AGENDA

AME2024 0001	Zoning Upgrade Request
Applicant:	Gabe Dunham & David Klein
Location:	12400 & 12410 Glacier Highway

Director’s Report

The applicants request a rezone for 1.96 acres from D1(T)D3 to D3 on Glacier Highway west of Auke Bay. In accordance with Title 49 and the Comprehensive Plan, transition zones are intended for higher density development after public water and sewer have been provided. The lots are connected to public water, but not public sewer. Additionally, CBJ 49.35.210(b)(3) prohibits direct access onto an arterial from a parcel of land with less than 500 feet of frontage, less than 350 feet in depth, or less than 36,000 in square feet. These requirements make subdivision of these lots impermissible.

Director Lawhorne added: Even if the rezone were adopted today, that other piece of code would not allow it to be permitted to subdivide.

Staff Recommendation

Staff Recommends the Planning Commission adopt the Director’s analysis and findings and **DENY** Rezone Application Permit AME2024 0001

STAFF PRESENTATION – by Director Lawhorne

QUESTIONS FOR STAFF – Mr. Pedersen asked for clarification that the subdivision of the lots on the arterial would not be possible currently or after if the zoning upgrade is approved. Ms. Lawhorne

confirmed that, without changes to code within chapter 35, that was the case. She added this is a topic currently under review but discussions are paused at the moment.

Ms. Cole asked if rezones have been passed without planned sewer attachment in the past. Ms. Lawhorne could not think of an example where this had been the case.

Mr. Pedersen asked if the rezone is approved and the property owner decides to build another dwelling on one of the preexisting lots, what would be the process for approving an onsite septic system? Would CBJ have any oversight of the construction of the septic system? Ms. Lawhorne said DEC regulates septic systems.

APPLICANT PRESENTATION - Gabe Dunham – Property owner, presented his family purchased the property and they would like to build a second home on the property to accommodate his growing family. There are currently neighboring lots that are zoned D3. According to the staff report, the recommendation to DENY is based, in part, upon the lack of city sewer to the property. However, the CBJ does not appear to intend to bring sewer there anytime soon and there are already lots in D3 zoning that have city water but not city sewer. He feels this demonstrates that requiring city sewer is not necessary to support D3 zoning.

QUESTIONS FOR APPLICANT - Mr. Pedersen asked Mr. Dunham if he knew how the neighboring lot owners felt about the rezone. Mr. Dunham said they were in support of the rezone and had signed on as co-applicants. Ms. Cole asked if the co-applicants (Kleins) were planning on using the rezone to subdivide their property. Mr. Dunham was not aware of any such plans.

Mr. Epstein asked about the nearby D3 zoned properties. How do they compare in size, frontage, and other aspects to his property. In essence, is there a fairness issue at play? Mr. Dunham said the other properties he was talking about are immediately across the highway from his property and are roughly the same size and have similar frontage to the highway as his property

COMMISSIONER DISCUSSION – Ms. Lawhorne explained that the zoning districts across the street from the applicant are considered an expansion. The lots are zoned D3. The surrounding area is described as follows: Waterfront commercial around Auke Bay; Spaulding Meadows turns into D18 and passed that out to the gravel pit is all D3.

Mr. Epstein asked if it has always been D3. Ms. Lawhorne said she believes it has been since the 1987 rewrite.

Ms. Cole asked what would be the potential consequences if the PC were to grant this upgrade prior to the sewer line being installed. Would it set an unwanted precedent? Ms. Lawhorne said this would be best answered by an attorney. She said it did have a potential to set precedent. If the PC wanted to allow this one, they would need to take care to clearly state why this situation is different from others so they don't inadvertently allow all transitions zones the ability to automatically upgrade.

Mr. Pedersen felt that the PC should look at each rezone request on its own merits when considering what recommendation to make to the assembly. In this particular case, he felt the upgrade would be appropriate.

Ms. Rintala said she felt comfortable that they could approve this request without setting precedent based on three criteria. First, the applicant does not plan to subdivide. Second, the intent is captured by the parcels already being in a transition zone. Third, this is not an automatic process as each request must come before the PC.

Mr. Epstein pointed out this would potentially add a home to the market and in the current housing situation, that should be considered as one of the merits of the application.

Ms. Lawhorne cited 49.25.210 (b) Residential Districts –

The D-3, residential district, is intended to accommodate primarily single-family and duplex residential development D-3 zoned lands are primarily located outside the urban service boundary where public utilities are not provided. The density reflects the existing pattern of development of properties in the district. There is a limited amount of D-3 zoned lands located within the urban service boundary. ...

****AT EASE 7:34 – 7:41 p.m.****

Prior to making a motion, Ms. Cole spoke to the record that the comments and discussion regarding avoiding precedent was material to the motion to inform the assembly’s decision.

MOTION: *by Mr. Pedersen to recommend to the assembly that they approve **AME2024 0001** with the following modifications to staff’s findings, analysis and recommendations:*

#5: Changing zoning from D1(T)D3 to D3 would not substantially change the land use, and would conform to the rural low density residential designation. D1(T)D3 clearly demonstrates the intention to upzone.

Finding: Yes. The proposed rezone is in substantial conformance with the land use maps and policies of the comprehensive plan.

#6: Zoning district is in harmony with adjacent zoning.

Finding: Yes. The proposed rezone is in substantial conformance with Title 49 Land Use Code.

The motion passed on roll call vote with no objection.

ARF2024 0001	Ridgeview Building B: Shift east and provide underground parking.
Applicant:	Glacier Heights LLC
Location:	7400 Glacier Highway

Director's Report:

The applicant requests a modification to ARF2024 0001. This application is in response to soil conditions, leveraging the shift to respond to market desires for underground parking and three-bedroom units. The shift increases the distance between the development and the established Vista del Sol neighborhood to the west. Parking requirements remain the same, and parking provided is increased. During final plat approval in April 2023, a Vista del Sol comment requesting definition of the setback details was missed, but can be considered under this case.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings, and approve the modifications to ARF2022 0001

STAFF PRESENTATION – by Director Lawhorne

Prior to discussion, Director Lawhorne asked for feedback on packet content. Specifically, recent packets have been very large and printing them leads to a lot of waste. The department would like some guidance on how much or how little should be provided in hardcopy as compared to online content.

Ms. Kerr suggested including links to packet materials in the email that is sent out informing commissioners their hardcopy binders are ready for pick up. Additionally, background information from many years ago could be left online with more current items included in the binder. Ms. Cole said that while some things could be left out, she would like pictures in hardcopy.

QUESTIONS FOR STAFF

Ms. Derr noted this is one of a number of modifications to this project and asked how often phased projects come back and how a decision today might affect future phasing. Ms. Lawhorne pointed out that this project is unique in that it is an alternative residential subdivision. Traditional subdivisions maximize the lots and there is not much that can change over time. Most subdivisions around town are around 10-14 lots and are not to the magnitude of this one. Alternative residential subdivisions are intended to be flexible and changes can be expected.

APPLICANT PRESENTATION – Garrett Johnson, Glacier Heights, explained the project could have been planned and permitted piecemeal but he felt that would not have been efficient. He put together the original plan knowing that things might change as the project went forward. The revisions in this amendment serve to make the development less intrusive on the neighborhood but are significant improvements to the development.

QUESTIONS FOR APPLICANT – Mr. Pedersen asked how many spaces would be accommodated in a basement parking garage. Mr. Johnson said 34 spaces are required. There will be 20 underground and a minimum of 14 spaces above.

Ms. Keller referred to the \$1.2M from the Juneau Affordable Housing Fund for 24 market rate units and asked where those 24 units will be and how much will they sell for. Mr. Johnson said those units were located in Building A. Building A is not before the PC with this ARF so will not be considered.

Mr. Epstein asked if the basement parking would be assigned or first come/first served. Mr. Johnson said that has not yet been decided.

MOTION: *by Mr. Pedersen to accept staff's findings, analysis, and recommendations, and approve ARF2024 0001.*

The motion passed with no objection.

XI. OTHER BUSINESS

ARF2024 0001 PROCEDURE MEMO – Ms. Lawhorne presented the memo asking PC to consider delegating review authority to the Director for certain activities for the Ridgeview project.

Ms. Cole asked Ms. Lawhorne if she has received feedback from applicants that the current process is onerous or costly or impeding progress substantially. Ms. Lawhorne said that it does cause time delays to bring the cases before the PC. Additionally, with the staffing challenges at the department, it is burdensome on staff to prepare full cases for each minor modification request.

Ms. Derr said she feels it is important to give the public every opportunity to come before the PC when aspects of the project change.

Ms. Keller asked if there are any ways recipients of the Juneau Affordable Housing Fund are held accountable to ensure they actually build affordable housing. Ms. Cole suggested contacting Planner Meyer about the affordable housing program. Ms. Lawhorne gave a brief history of this project and explained that while there was a loan from the affordable housing fund, the affordability requirement was removed by a former city manager.

XII. STAFF REPORTS – Director Lawhorne reported:

- July 9 meeting is cancelled
- July 23 will have a couple of cases
- She will be on leave through July 11. In her absence, please reach out to Scott Ciambor or Irene Gallion with any questions
- Charlie Ford, Building Official, is retiring Friday
- Jeff Hedges is promoting from Chief Building Inspector to Building Official
- Interviewing for the Chief Building Inspector position will begin this week
- Current job postings include Planner I/II; Admin Assistant and will soon post for Permit Center Manager

- It would be advantageous for PC to have tablets or iPads so they can access the packets directly

XIII. COMMITTEE REPORTS

Ms. Cole reported she had a meeting with the City Manager to gather information regarding the Title 49 process and the PC role in the process

XIV. LIAISON REPORTS – Mr. Kelly reported recent assembly activities include:

- The assembly adopted a resolution renaming the mobile home down payment assistance program to the manufactured home down payment assistance program and increased the cap to \$20,000
- The purchase of Juneau Bone and Joint fell through so the assembly authorized BRH to return the \$8.1M back to their savings
- The Huna Totem appeal will be back before the assembly on July 22

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVII. EXECUTIVE SESSION - None

XVIII. ADJOURNMENT –

Having no other business, the meeting adjourned at 8:33 p.m.

The next Regular Planning Commission meeting will be held July 23, 2024 at 7:00 p.m.

Respectfully submitted by *Kathleen Jorgensen Business Assists (907)723-6134* 




PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2024 0004
HEARING DATE: JULY 23, 2024

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: July 11, 2024
TO: Mandy Cole, Chair, Planning Commission
BY: Teri Camery, Senior Planner, CFM 
THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: A Conditional Use Permit to continue an existing gravel mining operation in the Lemon Creek streambed.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- Three previous Conditional Use Permits (CUP) have been issued; gravel extraction has occurred each winter season since 2007.
- CBJ, state agencies, and the applicant agree with project conditions and have no concerns.
- The applicant has consistently complied with project conditions.

GENERAL INFORMATION

Property Owner	COLASKA Inc. DBA SECON
Applicant	COLASKA Inc. DBA SECON
Property Address	2025 Anka Street
Legal Description	Mendota Park Parcel 2
Parcel Number	5B1201310041
Zoning	Rural Reserve (RR) and Industrial (I)
Land Use Designation	Rural Reserve (RR) and Industrial (I)
Lot Size	9.55 acres
Water/Sewer	N/A
Access	Anka Street
Existing Land Use	Vacant Lemon Creek streambed
Associated Applications	FZD20240002 Flood Zone Development

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

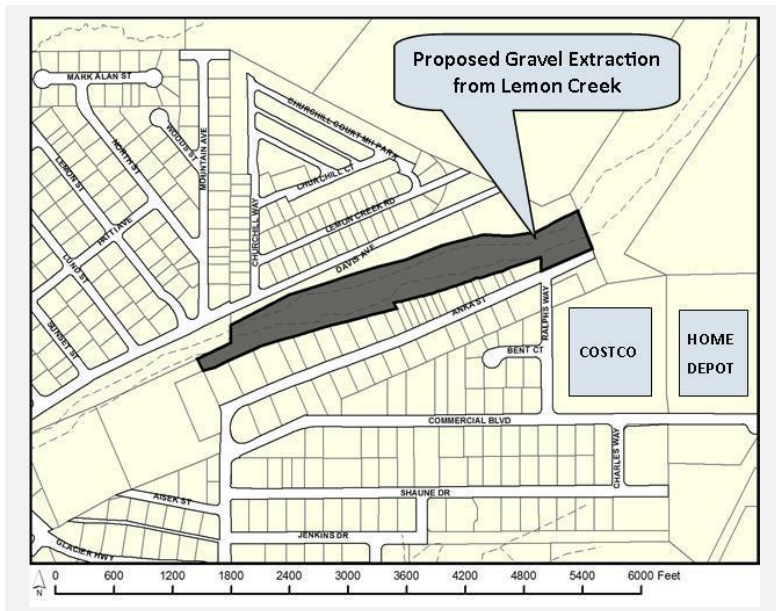
Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.65.200
 - 49.70.400
 - 49.80

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedures is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D-10; D-15)	Davis Avenue residential
South (I)	Anka Street
East (I)	Lemon Creek; CBJ Gravel Pit
West (RR)	Lemon Creek

SITE FEATURES	
Anadromous	Lemon Creek
Flood Zone	Special Flood Hazard Area AE
Hazard	No
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	No

BACKGROUND INFORMATION

Project Description –

The applicant, SECON, requests a CUP to extract up to 350,000 cubic yards of gravel from the lower Lemon Creek streambed over a ten year period. Annual gravel extraction amounts will range from 20,000 cubic yards to a maximum of 35,000 cubic yards each season. Proposed hours of operation are from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15 each winter season.

Background –

The application includes a detailed history of mining operations in Lemon Creek (Attachment A, pp 1-3). The parcel is the remaining fraction of USMS 609, a patented placer mining claim. The area has a history of placer mining from 1879 through the early 1900s. Gravel extraction in Lemon Creek first began during World War II. Gravel has continued to accumulate since this time from eroding banks upstream. The applicant owns extensive property upstream and states that several acres of land have eroded and deposited downstream during high water flows.

The proposed gravel extraction area has been specifically identified as a deposition zone in the 2004 Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis, which was prepared for the CBJ Engineering Department by Inter-Fluve, Inc. The analysis recommends mining in this zone, with appropriate habitat mitigation, as one of three measures to reduce flood potential. The other two measures are removal of the Juneau Redi-Mix Bridge, which has been completed, and stabilization of exposed and eroding banks in the upper reaches. The full report may be found online at <http://www.juneau.lib.ak.us/engineering/lemoncreek.php>.

SECON Lemon Creek Gravel Extraction Permits

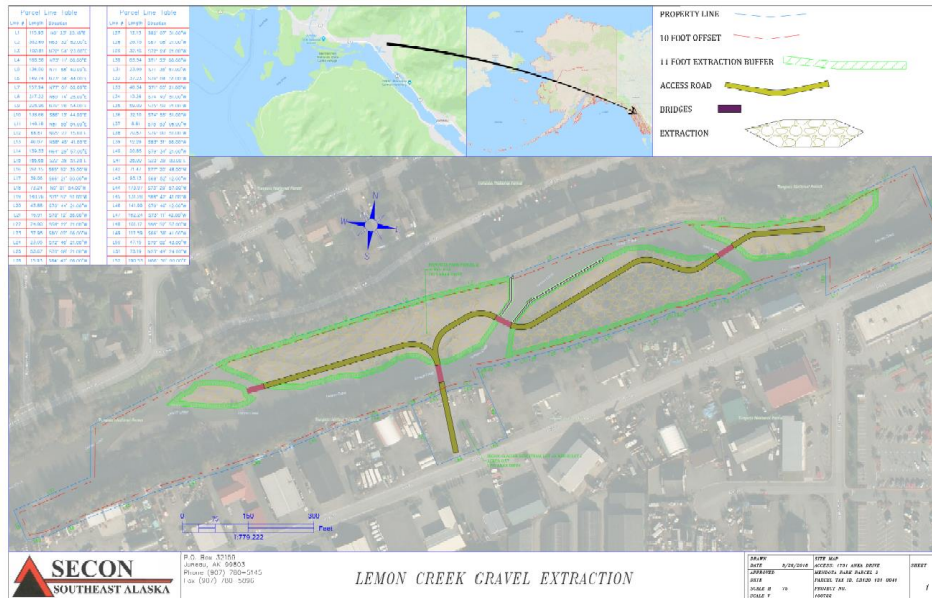
Date	Item	Summary
	Lower Lemon Creek	
6/26/2007	USE2006-0054	First Lower Lemon Creek Gravel Extraction permit; granted for five years
11/25/2008	USE2008-0053	Modification to USE2006-0054 regarding the access points and access ramp
12/18/2012	USE2012-0019	Second Lower Lemon Creek Gravel Extraction permit; granted for five years. This permit was appealed by an adjacent resident. The CBJ Assembly upheld the Planning Commission's decision in a final decision dated 6/12/13, included in Attachment D.
2/22/2019	USE2018-0024	Third Lower Lemon Creek Gravel Extraction permit; granted for five years, expired 2/22/24
	Hidden Valley (Upper Lemon Creek)	
5/10/2016	USE2016-0004	Hidden Valley streambed gravel extraction; ten year approval, expires 5/10/26
4/14/2020	USE2019-0022	Hidden Valley quarry; ten year approval, expires 4/14/30

ZONING REQUIREMENTS

The development requires a CUP (CBJ 49.15.330) per the Land Use Code Table of Permissible Uses, 49.25.300 Section 14.500, Sand and Gravel Operations, for the Industrial and Rural Reserve Zoning districts. The development also requires conformance with CBJ 49.65.200, Sand and Gravel.

The development has no structures, therefore zoning setbacks and height requirements are not applicable.

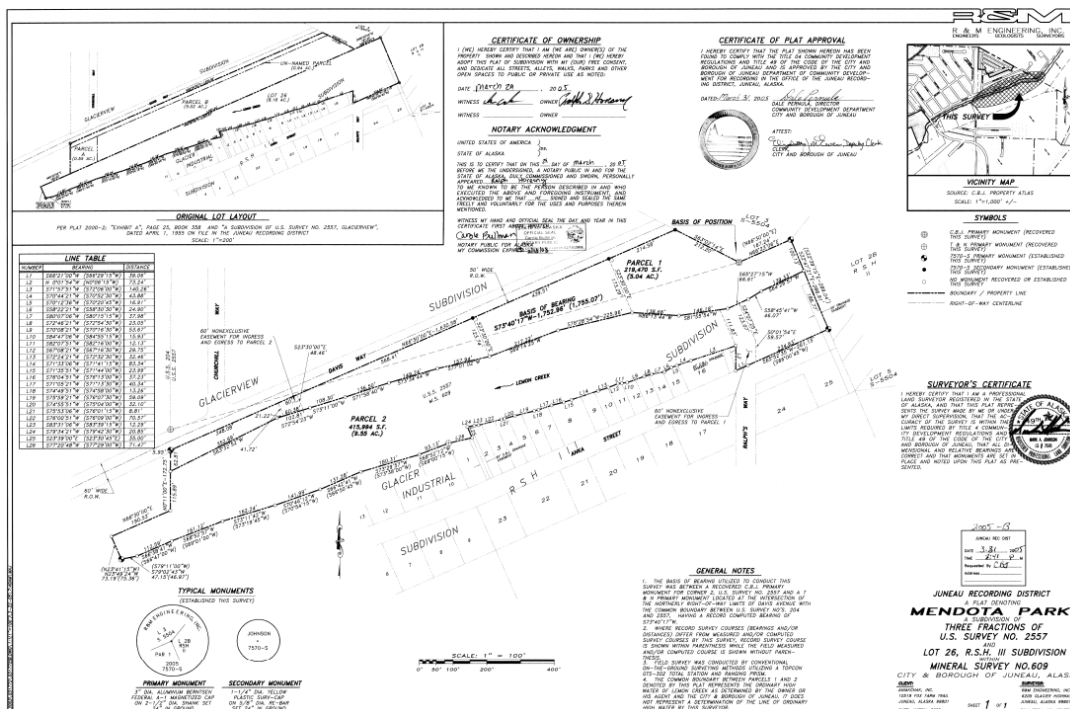
SITE PLAN



CONDITIONAL USE PERMIT ANALYSIS 49.15.330

Project Site and Design

The project site is a privately-owned streambed with a small adjoining upland access area at the end of Anka Street, as shown in the plat:



The site is bordered on the south and east by industrial zoning districts, including units with caretaker residences, and to the north and west by D-10 and D-15 zoning. The streambank on the southern boundary paralleling Anka Street is quite steep, while the northern banks are more gradual.

The applicant will use excavators, scrapers, loaders, and bulldozers to sever the sands and gravels from the creek. Pages 11-14 of the application describe this process. Severed materials will be loaded into trucks to 5772 Concrete Way, Aggpro's Yard, through established truck routes.

The applicant requests a 10-year gravel permit to extract up to 350,000 cubic yards of material, with annual amounts ranging from 20,000 cubic yards to a maximum of 35,000 cubic yards. Page 10 of the application provides yearly extraction amounts from 2009-2023, noting that a total of 211,720 cubic yards of gravel have been extracted from the same project site over 14 years. These figures confirm that the site replenishes itself from upstream erosion and in the absence of mining the creekbed would soon fill with gravel and flood surrounding residential and industrial/commercial areas.

Previous CUPs for the proposed site have been authorized for five years. In addition, SECON has a CUP valid for 10 years for the Hidden Valley (upper Lemon Creek) streambed, USE20160004, and a CUP valid for 10 years for a rock quarry in Hidden Valley, USE20190022.

The first two CUPs generated significant public and agency comment, while the last CUP, USE20180024, had minimal comment. Detailed project conditions have been developed through previous reviews to address the concerns of the surrounding residential neighborhood, and to address habitat issues, traffic impacts, and roadway impacts. CDD and CBJ Engineering review the permit conditions on-site with the applicant each year prior to the start of mining, and these conditions have been continuously met. In addition, CBJ staff have received few or no complaints from the public during seasonal mining operations in the past several years, which indicate that previous concerns have been largely addressed. With continuation of the project conditions developed from past reviews, staff recommends that the permit be issued for 10 years.

Condition: The permit shall be valid for 10 years.

Traffic

Gravel will be loaded into 10 and 20 yard trucks from 1791 Anka Drive to 5772 Concrete Way, Aggpro's Yard. Specifically, the route is 1791 Anka Drive to Commercial Drive, Commercial Drive to Glacier Highway, and Glacier Highway to Concrete Way, an established truck route. Access to the stream is also allowed, though rarely used, from 1721 Anka Street and Ralph's Way. Access is developed with either temporary fill into the creek (authorized with ADFG and U.S. Army Corps of Engineers permits), or a clear span bridge. Staff recommends continuing the previously approved conditions regarding access points and periodic inspections of these access points.

Staff also recommends repeating previous conditions that allow routing only at the Anka Street/Glacier Highway intersection, and the prohibition of truck traffic and heavy equipment operation on the Davis Avenue side of the creek. These conditions ensure public safety in this residential area.

Previous CUP reviews established conditions to address gravel spills on city and state roads, icing (which occurs when water from excavated gravel drains from trucks), and sedimentation. These conditions were developed by CBJ Streets, CBJ Engineering, and the Alaska Department of Transportation (ADOT/PF). In the

current view, CBJ Streets and ADOT/PF did not comment on the proposal, while CBJ Engineering has recommended that past conditions carry forward. Staff recommends continuing these conditions.

The applicant estimates 250 round-trip truckloads per day from the site. CBJ Code 49.40.300 establishes the standards for a traffic impact analysis (TIA).

The Community Development Director has determined that a traffic impact analysis is not necessary, because the traffic follows an established truck route that does not go through residential neighborhoods, because project conditions ensure that the development will not create unsafe road conditions, and because the period of active mining is limited to 20 days per year, per recommended conditions.

Condition: Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.

Condition: Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.

Condition: Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a time sufficient to obtain reasonable drainage and to prevent water and ice on the roadway. The applicant shall provide sanding along the truck route to address icy road conditions that may occur during the period of operation.

Condition: The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.

Condition: The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.

Condition: The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.

Condition: The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or ADOT.

Condition: The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Condition: The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.

Vehicle Parking & Circulation - The development does not require parking. SECON offices are located across the street from the development at 1836 Anka Street. Circulation has been addressed in the traffic section.

Condition: None.

Noise - The project will generate a significant volume of noise from hydraulic excavators and dump trucks

operating within the streambed. The noise may echo and amplify from topographic features of the Lemon Creek valley. All homes and businesses whose main dwellings and offices face the creek along the adjoining properties may be affected. The Rivers Edge Condominium development may be the most affected, because these residences face the creek and enjoy its amenities.

The applicant has proposed hours of operation from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15 each winter season, in compliance with the ADFG Fish Habitat Permit timing window. Previous Notices of Decision have established hours of operation of 7 a.m to 6 p.m. on weekdays, 9 a.m. to 6 p.m. on Saturdays, and no operation on Sundays. These hours meet the standard established in CBJ Code 42.20.095, Disturbing the Peace. To reduce impacts on the surrounding neighborhood, staff recommends that these previously approved hours of operation be continued.

Condition: Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.

Lighting - No lighting is proposed for the development.

Condition: None.

Vegetative Cover & Landscaping - There is no vegetative cover requirement for the Rural Reserve district. The vegetative cover requirement for the Industrial zoning district is five percent. This requirement is not applicable to the Lemon Creek streambed.

Condition: None.

Habitat - Lemon Creek is an anadromous stream and one of five impaired waterbodies in CBJ, as determined by the Alaska Department of Environmental Conservation (ADEC). The development is exempt from CBJ Code 49.70.330, Anadromous Habitat Protections, because it meets the exemption criteria as a *“[use] which must be in or adjacent to the stream or lake in order to function.”*

The applicant has described the extraction method in the project narrative. The method of extraction follows previous approvals, which involves extracting from the same gravel bars each season because the extracted areas are replenished with gravel each year when the creek is at flood stage. Resource agencies support this method, because it preserves habitat by not disturbing new, vegetated gravel bars. SECON intends to continue this practice as much as practicable but cannot commit to mining exactly the same gravel bars each year through the project lifetime because the location of the gravel bars in the stream could change.

The applicant has a Fish Habitat Permit from ADFG (FH14-1-0104), and from the U.S. Army Corps of Engineers to allow fill in the creek for the temporary access road. Both permits are included in the application on pages 25-31. The permit restricts mining operations to December 1 through March 15 each year, during low water flows, to minimize impacts to salmon.

SECON's request to extract 350,000 cubic yards of material over 10 years amounts to an average of 35,000 cubic yards per year. SECON is allowed by ADFG to operate in the creek for a maximum of 40 days during the timing window; however SECON's typical extraction time for active mining is 7-10 days. SECON has agreed to

limit the period of active mining to 20 days, which does not include the time working within the creek for set-up and take down procedures.

ADFG provided the following comments regarding the development:

ADF&G issued permit amendment FH14-I-0104A to SECON for gravel extraction on lower Lemon Creek in 2024 and plans to issue a new Fish Habitat Permit to SECON on an annual basis for lower Lemon Creek gravel extraction going forward. Stipulation 33 in the grading permit states "The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream, or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows." Although it is already implied, we recommend specifying that large woody debris is not to be placed or buried in the berms themselves due to the risk of debris being pulled out during high flows, which could then pull out the berm.

Staff recommends continuation of habitat conditions established in previous permits with a modification regarding woody debris per ADFG comments.

Condition: No sediment migration from the truck or ramp shall be allowed in the waterway.

Condition: Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.

Condition: The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream, or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows. Woody debris shall not be placed or buried in berms.

Condition: On-site fueling or equipment maintenance performed within 100 feet of the creek banks is prohibited. This includes fueling or maintenance of portable equipment such as generators and pumps.

Condition: On-site storage of fuel or other chemicals is prohibited.

Condition: The extraction amount shall not exceed 35,000 cubic yards per mining season.

Drainage and Snow Storage - Waterflow issues have been addressed in the Habitat and Public Safety sections of this report. Snow storage is not applicable.

Condition: None.

Flood Zone – The development is within an AE Special Flood Hazard Area as shown. A Floodplain Development Permit is required.



The development conforms with the applicable floodplain development standards of CBJ 49.70.400. No permanent fill or structures will be placed in the floodway. The 2004 Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis recommended streambed gravel extraction as one of several measures to reduce flood risk in the area. The applicant has applied for a Floodplain Development Permit (FZD20240002), which is ready for issue upon approval of this CUP. The floodplain permit will be valid for the same time period as the CUP.

Condition: Conditional Use Permit approval is contingent on approval of the Floodplain Development Permit, FZD20240002.

Public Health, Safety, and Welfare –

The adjacent Rivers Edge Condominium development includes a trail along the edge of Lemon Creek. Although the streambed is privately-owned, many people living in this development and in the surrounding residential areas use this section of Lemon Creek as a recreational area, particularly during times of low water flow. The mining proposal, with excavated areas up to ten feet deep, has the potential to be a significant public safety hazard without appropriate warning measures. Staff recommends continuation of the previously approved condition regarding warning signs on the site, and a requirement that excavated slopes be graded at a slope of 4:1 before signs are removed.

When gravel extraction was first proposed for the area, adjacent residents raised concerns that extraction could destabilize the banks and potentially undermine building foundations. Some residents argued that vibration from the operation was causing cracks in their homes. Detailed conditions have been developed in past reviews to address these concerns, including:

- Stockpiling rip-rap to address emergencies.
- A vibration monitoring plan to verify that vibration from the operation is below safe thresholds.
 - Yearly vibration monitoring reports confirm that SECON has operated well below the threshold that may cause building damage.

- A bond sufficient to repair any serious bank damage.
 - CBJ Engineering recommends that this bond be increased from the current \$30,000 to \$75,000.
- Submission of a yearly detailed mining plan to the CBJ Engineering Department
- Prohibition of mining within 10 feet of banks or property lines.
- Periodic inspections by a licensed engineer and/or hydrologist.
- Inspection reports for each 10,000 cubic yards of gravel extracted.
- Additional conditions regarding protection of vegetated slopes.

Staff recommends continuation of these conditions, including the increased bond amount.

In the project narrative, SECON explains that Lemon Creek continues to have a high level of erosion. Yearly gravel extraction significantly lowers the flood risk to the area from gravel accumulation and protects adjacent properties. As previously noted, mining in this area is known to reduce the flood risk. This is demonstrated by the evidence that after 15 seasons of active mining, SECON continues to mine the same area as it is replenished naturally year to year. If the creek bed is allowed to naturally rise with gravel accumulation in the absence of mining, increased flooding and riverbank scouring is likely to occur in the area over time. Gravel extraction therefore appears to address a potential safety and property damage risk.

Public safety issues associated with truck traffic routes and road conditions have been addressed in the traffic section of this report.

Condition: The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank, unless a licensed engineer confirms in writing that storing rip-rap offsite is sufficient to address bank stabilization emergencies adjacent to the project area.

Condition: Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$75,000, sufficient to repair any serious bank damage.

Condition: At least one month prior to the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:

- a. Estimation of material to be removed
- b. Map of area to be worked (showing property lines)
- c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
- d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
- e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.

Condition: The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.

Condition: The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.

Condition: Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.

Condition: Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:

- a. Volume of material removed
- b. Map of area worked
- c. Verification of compliance with mining plan
- d. Report of bank destabilizations
- e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
- f. Bank protection/stabilization measures if merited

Condition: An inspection report shall be submitted at the end of the mining season which includes all items in the preceding four conditions. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.

Condition: The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)

Condition: The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.

Condition: All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.

Condition: Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.

Condition: Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation.

Condition: During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.

Condition: The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.

Condition: If seismic activity exceeds the threshold established in the condition above, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Property Value or Neighborhood Harmony – The subject parcel is adjacent to D-10 and D-15 residential areas to the north and west, and to associated industrial developments to the south and east. The CBJ Engineering and Public Works Department has a gravel pit within one quarter mile of the mining site, while the applicant has two mining operations further upstream, as noted in the Background section.

Anka Street already receives heavily industrial and truck traffic from existing operations, therefore traffic from the proposal is expected to blend in with the flow during the short operating period of 20 days or less per season. Truck traffic is prohibited on Davis Avenue in the adjacent residential area.

The residential areas to the north, particularly those developments which face the creek such as Rivers Edge condos, will experience the most notable neighborhood harmony impacts from the mining proposal. These residents are adjacent to an industrial area and live in the closest structures to the gravel bars that are extracted each year. A variety of retail, restaurant, storage, and industrial uses operate along the Anka Street south bank, and many of these developments have added caretaker units, which again place residential development in the center of an established industrial area. The primary impacts will be from the noise of heavy equipment operating within the stream.

The subject property is part of a patented placer mining claim within the Rural Reserve and Industrial zoning districts. Residential areas that border industrial areas are frequently subject to greater levels of noise and disturbance than other areas. The operation will continue to create a significant amount of noise and vibration for neighboring residences and buildings. In the past, property owners asserted that the mining activity caused property damage. Vibration monitoring conditions were first established during the review of the second CUP, USE20120019 and have been continued in the Public Safety section of this report. The applicant has operated well below vibration thresholds that cause building damage.

Per conditions noted in previous sections, gravel extraction is limited to 20 days per year from December 1 through March 15 each winter season, with a maximum extraction amount of 35,000 cubic yards. Recommended hours of operation are limited to 7 a.m. to 6 p.m. on weekdays, 9 a.m. to 6 p.m. on Saturdays. Operations are not allowed on Sundays. All of these conditions minimize neighborhood impacts. The CBJ Assessor commented, "Since this is a renewal and not a new gravel extraction project, I don't think it would have a negative impact to property values if it continues."

Condition: No additional conditions. Conditions that address Neighborhood Harmony and property value are included in the Public Safety and Traffic sections of this report.

AGENCY REVIEW

CDD conducted an agency review comment period between March 7 and March 22, 2024 and received the following responses:

Agency	Summary
Alaska Department of Fish and Game (ADF&G)	ADF&G issued permit amendment FH14-I-0104A to SECON for grave extraction on lower Lemon Creek in 2024 and plans to issue a new Fish Habitat Permit to SECON on an annual basis for lower Lemon Creek gravel extraction going forward. Stipulation 33 in the grading permit states “The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream, or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.” Although it is already implied, we recommend specifying that large woody debris is not to be placed or buried in the berms themselves due to the risk of debris being pulled out during high flows, which could then pull out the berm.
CBJ Assessor	Since this is a renewal and not a new gravel extraction project, I don’t think it would have a negative impact to property values if it continues.
CBJ Engineering and Public Works	In consideration of the conditions in the Notice of Decision, I recommend that the bond amount described in condition #2 [of the previous Notice of Decision] be increased to \$75,000.00. Engineering supports the other previously listed conditions.
Capital City Fire and Rescue	No concerns from fire.
CBJ Streets and Fleets	Streets does not have any concerns.
CBJ Building Division	No issues from Buildings.

PUBLIC COMMENTS

CDD conducted a public comment period between June 13, 2024 and July 1, 2024. Public notice was mailed to property owners within 500 feet of the proposed development, and a public notice sign was posted two weeks prior to the hearing. No public comments have been received at this writing.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Juneau Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2018 Lemon Creek Area Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Juneau Comprehensive Plan	5	p. 59	Policy 5.13	To support the extraction and processing of mineral resources in an

PLAN	Chapter	Page No.	Item	Summary
				environmentally-sound manner, giving property recognition of the unique values of this community.
	7	p. 96	Policy 7.16	To conserve known gravel deposits and protect them from conflicting land uses
	10	p. 132	Policy 10.4	To minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.
2015 Juneau Economic Development Plan	Five	p. 66	Initiative One	Enhance essential infrastructure.
2018 Lemon Creek Area Plan	Five	p. 84	Goal Four	Reduce the impacts of industrial and commercial uses in the Lemon Creek Area.
	Six	p. 86	Goal Two	Promote responsible resource extraction.

SAND AND GRAVEL ANALYSIS CBJ 49.65.200

CBJ 49.65.200 – Extraction permit required.

Sand and Gravel extraction requires a Conditional Use Permit.

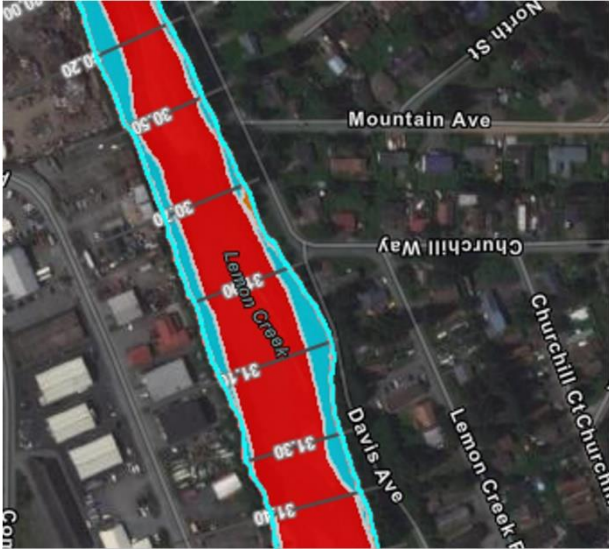
CBJ 49.65.210 – Contents of application.

The application, Attachment, A includes a project narrative and site plans from the applicant responding to the criteria listed below. Conditions will be addressed in section CBJ 49.65.230, Commission Action on Application, and CBJ 49.15.430, Conditional Use Analysis.

Code Reference	Summary	Complies
CBJ 49.65.210(1) A graphic and legal description of the property.	The application includes the plat and legal description.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Code Reference	Summary	Complies
CBJ 49.65.210(2) A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off-site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling, and operation.	The site plans include all the features listed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(3) A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan.	The site plans show a typical cross section with the required features. Restoration work consisting of removing berms is completed seasonally. Extraction voids will naturally fill with gravel as upstream areas continue to erode throughout the year.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(4) Topographic mapping required in subsections (2) and (3) of this section for areas having a slope of less than five percent shall show spot elevation: at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of no more than five feet where the ground slope is regular; however, contour intervals of not more than two feet may be required where necessary to adequately show irregular land features or drainage details.	The site plans provide topography and drainage documentation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(5) The plan shall include a map showing Ingress and Egress points for trucks and other equipment.	Plans demonstrate that the streambed is accessed from Anka Street. Traffic follows Anka Street and Glacier Highway.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Code Reference	Summary	Complies
CBJ 49.65.210(6) The plan shall include a map showing all buildings and structures to be located on the site.	There are no existing or proposed structures on the project site	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
CBJ 49.65.210(7)(A) A site drainage plan.	The streambed has natural drainage. Site plans show extraction areas, and the project narrative provides additional explanation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(B) A method of securing the area, including installation of gates at access points, posting, and fencing.	The Lemon Creek streambed has many access points. It is not possible to completely secure the area. Warning signs will be posted in the extraction area.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(C) Methods to be used to minimize noise pollution and visual blight.	Noise pollution has been addressed by limiting the days, hours, and season of operation as described in the following sections. No on-site lighting is proposed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(D) The proposed hours and days of operation during the year.	The applicant has proposed hours of operation from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15 each winter season, in compliance with the Alaska Department of Fish and Game (ADFG) Fish Habitat Permit timing window. Active gravel extraction within the creekbed is limited to 20 days per year.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(E) The estimated amount and general type of material present and to be removed from the site.	The Lemon Creek streambed gravel replenishes throughout the year due to upstream erosion. An estimate of material material present is therefore not applicable.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
CBJ 49.65.210(7)(F) The results of test holes which show the water table level, if any, and the general type and location of materials to be removed.	Test hole information is not applicable to streambed mining.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
CBJ 49.65.210(7)(G) The date by which it is anticipated the extraction and processing operation will be completed.	The Lemon Creek streambed gravel replenishes throughout the year due to upstream erosion. In the absence of streambed gravel mining, the streambed will fill and surrounding areas will flood. Because of this, there is no date by which extraction will be completed.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Code Reference	Summary	Complies
CBJ 49.65.210(7)(H) A schedule for completion of necessary site restoration work.	The restoration plan consists of removing any bridges, abutments, and/or berms from the streambed in accordance with ADFG and U.S. Army Corps of Engineers permits. Extraction voids will naturally fill in. This work is typically completed seasonally. A schedule is not required because gravel extraction is expected to continue indefinitely.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries.	The applicant anticipates minimal airborne particulates due to the nature of saturated streambed mining materials and the weather during time of year when work is allowed, which has precipitation over 50% of the time. If conditions are dry, the haul route from the site to Aggpro will be watered down if necessary to keep dust under control.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(J) The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact shall be included.	<p>The project site is in an AE Special Flood Hazard Area. A Floodplain Development Permit is required. The applicant has applied for the permit (FZD20240002), and the permit is ready for issue upon approval of this CUP.</p> 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(K) The date of establishment of the operation and history of adjacent land development.	The date of establishment of the operation and the history of adjacent land development is described in the Background section of this report, and in the applicant's Project Narrative.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
CBJ 49.65.210(7)(L) Such additional relevant information as the Commission or Department may request.	The Department has not requested additional information.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

CBJ 49.65.215 – Staff action on application.

The proposed development was first permitted in 2007. The development is compatible with adjacent roads, utilities, and public services with appropriate conditions as addressed in the following sections.

CBJ Engineering has no concerns affecting streets and traffic, or the water table. The proposed operation is compatible with present and future development of the neighborhood, roads, utilities and public services in the surrounding area with appropriate conditions. Provisions for dealing with traffic, noise, dust, aesthetic deterioration, drainage, geophysical hazards, and water pollution have also been addressed with conditions. The development is therefore in conformance with CBJ 49.65.215(a) and (b).

CBJ 49.65.230 – Commission Action on Application.

The Commission may grant the permit, but shall first consider each of the following areas (as listed below) and may impose restrictions as may be necessary to protect the public health, safety, and welfare.

Topic and Code Reference	Summary	Condition	Recommended Condition
CBJ 49.65.230(1) The hours, days, and times of year of operation.	<p>The applicant has proposed hours of operation from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15. Active gravel extraction within the creekbed is limited to 20 days per year.</p> <p>Consistent with past approvals and to reduce impacts on the surrounding residential neighborhoods and to be consistent with ADG, staff recommends reduced hours as noted.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Condition: Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.</p> <p>Condition: Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.</p>
CBJ 49.65.230(2) Screening, whether natural or artificial, to reduce or eliminate adverse visual, audible, or other impacts of the operation.	Screening is not possible for gravel extraction within the streambed.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Condition: None.

Topic and Code Reference	Summary	Condition	Recommended Condition
CBJ 49.65.230(3) Measures to protect the public from the dangers of the operation or site, to prevent casual or easy access to the area, or to prevent the operation or area from being an unprotected attractive nuisance.	The Lemon Creek streambed has many access points. Securing the area is not possible. Warning signs will be posted in the extraction area, and excavated areas will be graded to a 4:1 slope.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Condition: Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
CBJ 49.65.230(4) Final and working slope ratios of the face of any extraction area to the extent necessary to protect abutting public and private property, and to protect the future beneficial uses of the property as described in the applicant's plan for development and restoration.	The restoration plan consists of removing any bridges, abutments, and/or berms from the streambed in accordance with ADFG and U.S. Army Corps of Engineers permits. Excavated areas are graded to a 4:1 slope after each mining season. Voids are refilled naturally as gravel deposits from upstream erosion.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Condition: None.
CBJ 49.65.230(5) Measures to protect private and public property adjoining the operation and to guarantee orderly and safe traffic circulation both on the public streets and within the permit application area.	Detailed conditions have been developed in the three past reviews to protect private and public property adjoining the operation, and to address traffic impacts. Staff recommends continuation of those conditions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Condition: The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flow during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CB. Engineering Department. Condition: Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.

Topic and Code Reference	Summary	Condition	Recommended Condition
			<p>Condition: Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.</p> <p>Condition: Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a time sufficient to obtain reasonable drainage and to prevent water and ice on the roadway. The applicant shall provide sanding along the truck route to address icy road conditions that may occur during the period of operation.</p> <p>Condition: The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.</p> <p>Condition: The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.</p> <p>Condition: The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.</p> <p>Condition: The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or ADOT.</p> <p>Condition: The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.</p>

Topic and Code Reference	Summary	Condition	Recommended Condition
			<p>Condition: Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation.</p> <p>Condition: During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.</p> <p>Condition: The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.</p> <p>Condition: If seismic activity exceeds the threshold established in the condition above, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.</p>
CBJ 49.65.230(6) Measures which will ensure adequate drainage or collection and storage of surface waters to protect surrounding property, eliminate dangers to	This section is not applicable to streambed mining.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Condition: None.

Topic and Code Reference	Summary	Condition	Recommended Condition
the public, or to protect the future beneficial use of the property as described in the applicant's plan for development and restoration.			
CBJ 49.65.230(7) Measures to protect the water level and water quality.	Detailed conditions have been developed in past reviews to protect water quality. Staff recommends continuation of those conditions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Condition: At least one month prior to the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include: <ol style="list-style-type: none"> Estimation of material to be removed Map of area to be worked (showing property lines) Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features Methods for protecting Lemor Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment) Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
CBJ 49.65.230(8) Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects.	The applicant will use water and sweeping as a measure to minimize airborne particulates. A mobile spill kit is readily available for an emergency.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Condition: None.

Topic and Code Reference	Summary	Condition	Recommended Condition
CBJ 49.65.230(9) Restoration measures and schedule.	The restoration measures are discussed in the previous section and noted in the Project Narrative. No additional measures appear to be necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Condition: None.
CBJ 49.65.230(10) Other measures designed to protect the public health, safety, and welfare, including preservation of neighboring property.	<p>Items 1-9 above list recommended conditions regarding hours of operation and noise limitations to protect the public health, safety, and welfare including preservation of neighboring property.</p> <p>Previous CUPs have authorized permits for five years. The applicant has requested a ten year permit. Project conditions have significantly mitigated impacts to the neighborhood from the development, and the applicant has consistently complied with these conditions. Staff recommends a ten year permit.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Condition: The permit shall be valid for ten years.
CBJ 49.65.230(11) Present development and past history of the neighboring property.	Present development and past history of the neighboring property has been discussed in the background section of this report. No additional measures appear to be necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Condition: None.

CBJ 49.65.235 – Mandatory conditions of permit.

Unless specifically waived by the Commission, the requirements of this article shall be a condition of all permits issued. The Commission may not waive or modify any of the following requirements except upon a finding that the requirement would serve no useful purpose. Such finding must be supported by substantial evidence in the record of the hearing before the Commission:

- (1) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.**
- (2) If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the**

excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Mandatory Condition (1) has been added to the conditional list as required, with the understanding that the site does not abut a public way, and therefore the condition is not applicable. Mandatory Condition (2) has also been added, and is consistent with other project conditions.

CBJ 49.65.240 – Guarantee.

CBJ Engineering has recommended an increase in the bond from the previous \$30,000 to \$75,000. The bond amount has been added as a condition.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Analysis: The application submitted substantially conforms to the requirements of CBJ Chapter 49.15.330, Conditional Use, and CBJ Code 49.65.200, Sand and Gravel.

Finding: Yes. The application is complete.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Analysis: The permit is listed at CBJ 49.25.300 Section 14.500, Sand and Gravel Operations, for the Rural Reserve and Industrial zoning districts.

Finding: Yes. The proposed development is appropriate according to the Table of Permissible Uses.

3. Will the proposed development comply with CBJ 49.65.200, Sand and Gravel, and other requirements of this chapter?

Analysis: No further analysis needed.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: No further analysis needed.

Finding: No. With the recommended conditions, the requested CUP in the Industrial and Rural Reserve zoning districts will not materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

Analysis: No further analysis needed.

Finding: No. With recommended conditions, the requested CUP in the Rural Reserve and Industrial zoning districts will not substantially decrease the value or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed development, with the recommended conditions, will be in general conformity with the 2013 Juneau Comprehensive Plan, 2016 Juneau Economic Development Plan, and 2018 Lemon Creek Area Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow continuation of gravel mining operation in the Lemon Creek streambed. The approval is subject to the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank, unless a licensed engineer confirms in writing that storing rip-rap offsite is sufficient to address bank stabilization emergencies adjacent to the project area.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$75,000, sufficient to repair any serious bank damage.
3. At least one month prior to the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
 - a. Estimation of material to be removed
 - b. Map of area to be worked (showing property lines)
 - c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
 - d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
 - e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.
5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection

- of the mining area by an appropriately licensed engineer and/or hydrologist.
6. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.
 7. Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:
 - a. Volume of material removed
 - b. Map of area worked
 - c. Verification of compliance with mining plan
 - d. Report of bank destabilizations
 - e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - f. Bank protection/stabilization measures if merited
 8. An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.
 9. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)
 10. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.
 11. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.
 12. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
 13. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.
 14. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation.
 15. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
 16. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.
 17. If seismic activity exceeds the threshold established in Condition 14, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do

not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation –

18. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.
19. Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.
20. Active gravel extraction within the creekbed shall be limited to 20 days per year. This limitation specifically exempts activities within the creek necessary for set-up, take-down, pauses for weather-related days, and related activities.
21. The permit shall be valid for 10 years.
22. The extraction amount shall not exceed 35,000 cubic yards per mining season.

Truck Traffic and Street Maintenance –

23. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
24. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.
25. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a time sufficient to obtain reasonable drainage and to prevent water and ice on the roadway. The applicant shall provide sanding along the truck route to address icy road conditions that may occur during the period of operation.
26. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.
27. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
28. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.
29. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or ADOT.
30. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Habitat and Floodplain –

31. No sediment migration from the truck or ramp shall be allowed in the waterway.
32. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.
33. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream, or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.
34. On-site fueling or equipment maintenance performed within 100 feet of the creek banks is prohibited. This includes fueling or maintenance of portable equipment such as generators and pumps.
35. On-site storage of fuel or other chemicals is prohibited.
36. Conditional Use Permit approval is contingent on approval of the Floodplain Development Permit, FZD20240002.

Mandatory conditions per CBJ 49.65.235

37. A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
38. If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Appeal Decision 6/12/13



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 2025 Anka Street		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Mendota Park Parcel 2		
	Parcel Number(s) 5B1201310041		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Colaska dba Secon	Contact Person Maureen Hansen, PE	
	Mailing Address PO Box 32159, Juneau, AK 99803	Phone Number(s) 907-780-5145	
	E-mail Address mhansen@colaska.com		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits.			
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
<div style="display: flex; justify-content: space-between;"> <div>Landowner/Lessee (Printed Name)</div> <div>Title (e.g.: Landowner, Lessee)</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div>X _____</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Landowner/Lessee (Signature)</div> <div>Date</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div>Landowner/Lessee (Printed Name)</div> <div>Title (e.g.: Landowner, Lessee)</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div>X _____</div> <div>_____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Landowner/Lessee (Signature)</div> <div>Date</div> </div>			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT			
If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) SAME		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">X</div> <div> </div> </div>		<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">1-12-2024</div> <div> </div> </div>	
Applicant's Signature		Date of Application	

USE24-00

2/7/2024

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

		Intake Initials
Case Number	Date Received	



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

PROJECT SUMMARY

LEMON CREEK GRAVEL EXTRACTION

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☐ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 14400

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE2018-0024

☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 415994 square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain
Proposed



No
No



Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

Native including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

Plans including:

- ☐ Site plan
- ☐ Floor plan(s)
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

☐ This is a modification or extension include:

☐ Notice of Decision and case number

Justification for the modification or

extension

Application submitted at least 30 days
before expiration date

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1,600.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>1,750.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

USE24-004

Date Received

2/7/2024

Attachment A - Application Packet
Attachment A - Application Packet

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Lemon Creek Gravel Extraction

CBJ Conditional Use Application



Figure 1 Lemon Creek - Mendota Park, Parcel 2

Maureen Hansen, PE

1/9/2024

Lemon Creek Gravel Extraction

Proposal to extract gravels from Lemon Creek.

Attachment A - Application Packet
Attachment A - Application Packet

Introduction

Secon proposes to extract gravel over a 10 year period from lower Lemon Creek in the Mendota Park Parcel 2. We expect annual gravel extraction to range from 20,000 CY to a maximum of 35,000 CY.

Lemon Creek Drainage

The Lemon Creek delta is located about 4.7 miles Northwest of Juneau Alaska. The drainage basin that feeds Lemon Creek has an area of approximately 15,730 acres. Lemon Creek's head waters originate from two glaciers, Ptarmigan Glacier and Lemon Creek Glacier. Lemon Creek is roughly 8 miles in length and terminates 4.6 miles Northwest of Juneau into Gastineau Channel.

The terminus of Lemon Glacier has an elevation of about 2,200 feet. There are a series of falls from the glacier within the first mile dropping Lemon Creek to the valley floor at an elevation of 1,360 feet. To reach Gastineau Channel 7 miles away, Lemon Creek has an average slope of 3.68%. Which means that for every one hundred feet in distance traveled Lemon Creek must lose 3.68 feet in elevation. For comparison from Glacier Highway bridge to Gastineau Channel the average slope is 0.54%.

The glaciated alluvial gravels in Hidden Valley are continuing the natural erosion process that has been going on since the last ice age. The banks and streambed are continuing to erode during high water events. The eroded alluvial material is carried downward until the stream's velocity slows and can no longer transport the sediment load where it is then deposited. This area of deposition is lower Lemon Creek where the elevation drop of the stream lessens and the velocity of the water slows.

SECON has lost several acres of real estate in Hidden Valley from Lemon Creek changing its channel during high water flows. The channel has changed yearly and is aggressively eroding the banks on both sides of the valley.

With lower Lemon Creek hemmed in with developed properties, the creek has only one restricted area to deposit its sediment load, in the confines of stream's armored banks. Once the stream bed has filled in to the top of its armored banks it will return to a meandering braided stream, depositing at will creating an alluvial fan of sedimentary sand and gravels.

HISTORY OF LEMON CREEK

This area has a history of placer mining from 1870's to the early 1900's. John Lemon prospected and placer mined this creek in the 1870's hence the naming of the creek. Placer claims were filed and recorded in the area starting in 1884. Mining continued for many years although it was not very productive.

Logging with a sawmill operation was active in the Lemon Creek area until the 1980's.



Figure 2 Lemon Creek lower drainage 1948

As can be seen in the photo above, in 1948 there was very little development in Lemon Creek.



Figure 3 Lemon Creek 1962

By 1962 there was development occurring at Lemon Creek.



Figure 4 The community of Lemon Creek 1984

Gravel extraction in Lower Lemon Creek for aggregate started during World War II. The mining of gravel occurred in several events until mid-1980. The method of gravel severance during this period was to divert Lemon Creek to one side of the creek bed, and extract the gravels creating a long severance pit of where the streambeds use to be.



Figure 5 Lemon Creek 1988

In 2009, gravel extraction resumed between the Glacier Highway Bridge and the State Penitentiary in the lower reaches for flood control and aggregates for local use. This has been a great benefit to keeping the streambed manageable, from flowing over its sides due to sedimentation.



Figure 6 Lemon Creek looking west (left photo) at 1840 Anka Street then 180° and looking east (right photo), December 2017

Proposal

Secon is requesting a Conditional Use Permit for gravel severance over a duration of 10 years from property owned in Lower Lemon Creek. The Lemon Creek property, Mendota Park, Parcel 2 is part of the Patent Lands with a survey number of M.S. 609. This tract of land is located on the floor of the valley spanning Lemon Creek, separating various residential zoned properties and the Lemon Creek Industrial Zone. Mendota Park, Parcel 2 is zoned Industrial and Rural Reserve.

Secon has mined this property for the past 16 years under prior Conditional USE permits USE2018-0024, USE2012-0019, & USE2006-000054. Permit conditions have been met successfully during this time and merit an extension of permitted time from five to ten years similar to other permits in area. The time extension would also reduce administrative costs for all parties involved.

Hours of operation would be from 7:00 AM to 6:00 PM. With the operating season being Dec 1 to March 15.

There is no way of determining the quantity of gravels that will be severed from this site on an annual basis. The Lemon Creek Site has produced roughly 10,000 cubic yards per year for the first several years and Secon did not use all the extracted material and had gravels carried over to the next year.

The gravels severed from Lemon Creek has increased to approximately 20,000 cubic yards per year and are consumed within eight months from extraction. As the markets adjust to the supply of local gravels, the sales and interest in their use has increased. If the area is available

as determined by ADF&G and sales will support the volume, Secon could easily extract 35,000 cubic yards of material on an annual basis and we propose this annual maximum amount.



Figure 7 Excavator preparing the site.

Secon would use excavators, scrapers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Lemon Creek. The severed materials would be loaded into conveyance units of either end dumps or articulated trucks for transportation to a processing area out of the flood plain of Lemon Creek.

Goals to be achieved in gravel extraction.

1. Slow the high rate of erosion throughout the Hidden Valley area.
 - a. In 2010 Lemon Creek eroded several new areas including developed Secon property.
 - b. Secon has previously requested permission to deposit Rip Rap on the stream banks to stop erosion of property.
2. Extract sand and gravel for local private and public improvements.

Benefits that may be achieved.

1. Stable stream channel.
2. Vegetation can reclaim the stream banks.
3. Much slower erosion of banks.
4. Habitat for indigenous fish.
5. Reduces flood potential by keeping eroded sands and gravels from transporting to the lower Lemon Creek reaches.

6. With less active erosion, the turbidity may be less during high water events.

The rate of erosion overall is not slowed in Lemon Creek. The extraction of several small sites of gravel will not change the fluvial process of Lemon Creek drainage basin. The nature and composition of the sands and gravels that make up the alluvial deposit in Lemon Creek drainage basin along with the flow and velocity of the Lemon Creek are not transformed by this operation. The volume of water flowing in Lemon Creek is a product of the rainfall, seasonal snowmelt and glacier melt. The velocity of Lemon Creek is the result of elevation change to reach Gastineau Channel. The composition of the sands and gravels are the results of continental building, namely erosion and glaciation. These sands and gravels will continue to erode and be transported to Gastineau Channel while Lemon Creek is in its youthful nature of its existence.

Some of the areas identified in CBJ’s Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3 can be managed through extraction.

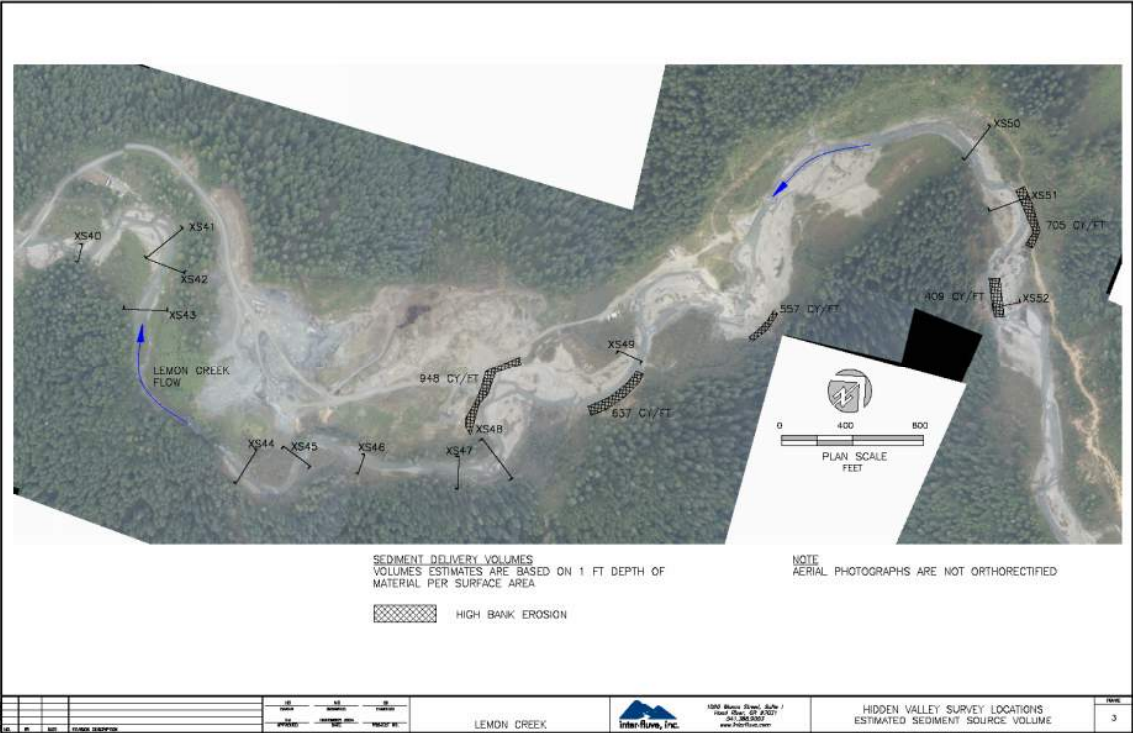


Figure 8 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3

This basin has glacier and continental eroded gravel deposits throughout the valley. However, the Lemon Creek’s bed load of alluvial gravels can be reduced below the extraction sites. The gravels can be captured in the severed voids from the gravel extraction thus removing the gravels from being carried farther downstream to be deposited in the lower reaches of Lemon Creek. As can be documented in the Lemon Creek Gravel Extraction the eroded alluvial gravels

that are carried by Lemon Creek are deposited in the voids created from the severed gravels. The creek flows to the point of least resistance during flooding. When the velocity slows the bed load sediments are deposited due to the volume change from the increased depth of served void. Once the void is filled the creek will return to a braided channel state. Gravel reaches will form in a braided channel where the velocity slows at the edges of the stream on the inside of curves.

When Lemon Creek fills in the severed voids not all the area is equally filled. There are minor areas that are not returned to the elevation prior to the extraction. These areas at times can form either a minor stream or an eddy. If the minor streams are a stable environment, over time they can become viable habitat for fish. ADF&G, through their issued Habitat Permit, will set back the gravel severance from that area in the form of a buffer zone. Thus, it becomes part of the ecological habitat of Lemon Creek.

OWNERSHIP AND LEGAL DESCRIPTION

The legal description of the property where the severance will occur is Mendota Park Subdivision, Parcel 2. COLASKA Inc. dba SECON has sole ownership.

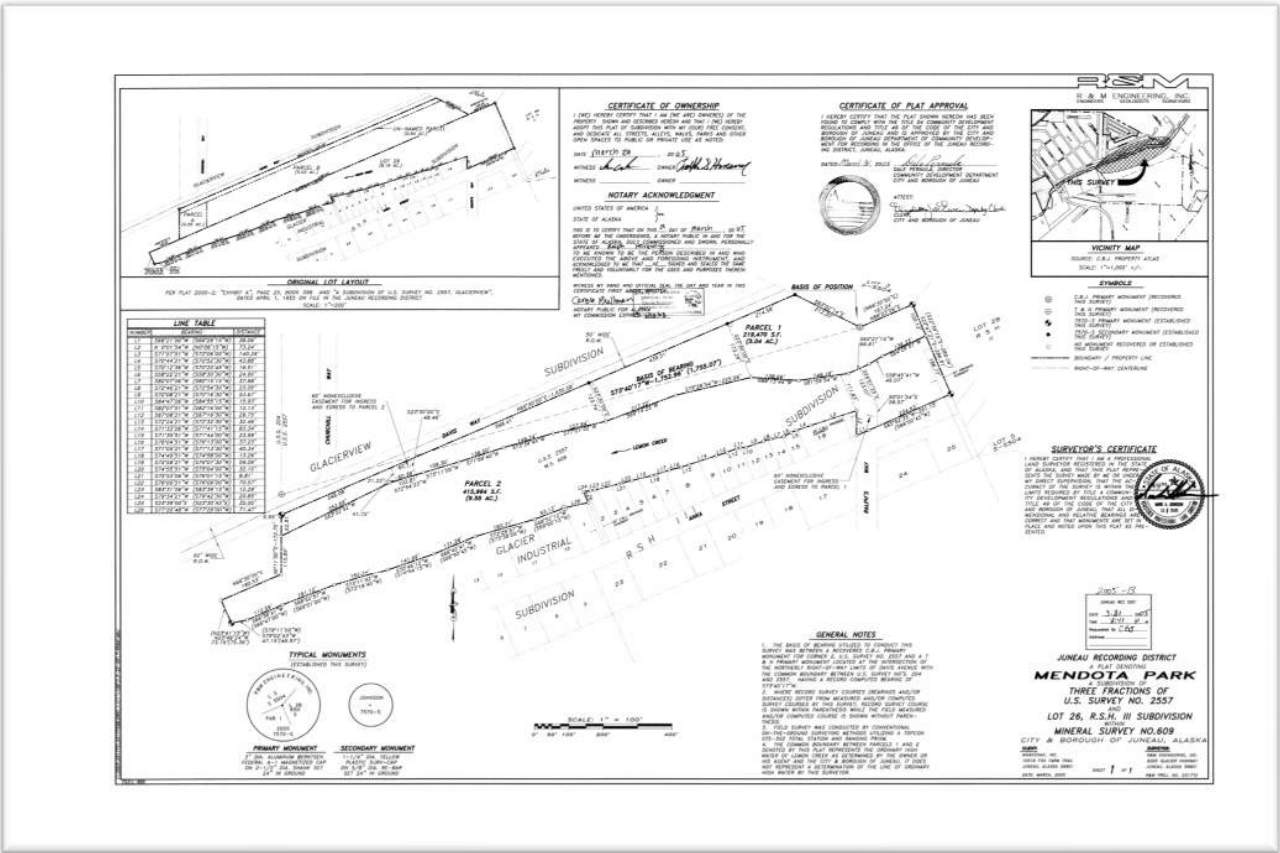


Figure 9 Plat 2005-13

LOCATION; FEATURES; TOPOGRAPHY

The property address is 2025 Anka Street in the City and Borough of Juneau, Alaska.

The parcel containing the proposed severance site is 9.55 acres in size. The parcel is irregular in shape and once was part of U.S.M.S. 609, a patented placer mining claim that straddles the streambed of Lemon Creek.

Access to the severance site is from 1791 Anka Drive.

The elevated bank is sloped down to Lemon Creek. If Lemon Creek flows along the southern bank a bridge is installed to access the first gravel reach. The sloped access road is stopped shy of the Lemon Creek and several feet in elevation above the water. Thus enabling the placement of the bridge abutments and maintain sufficient space between the bottom of the bridge and Lemon Creek.

If a gravel reach is along the southern bank, the access road is sloped out on to the reach.



Figure 10 Secon's property at 1791 Anka Drive.

MAP OF MENDOATA PARK WITH APPROXIMATE PROPERTY BOUNDARIES

Lemon Creek traverses the lower flats dividing the land into different use areas. On the north side are various Residential zoning and on the south side is Industrial zoning.

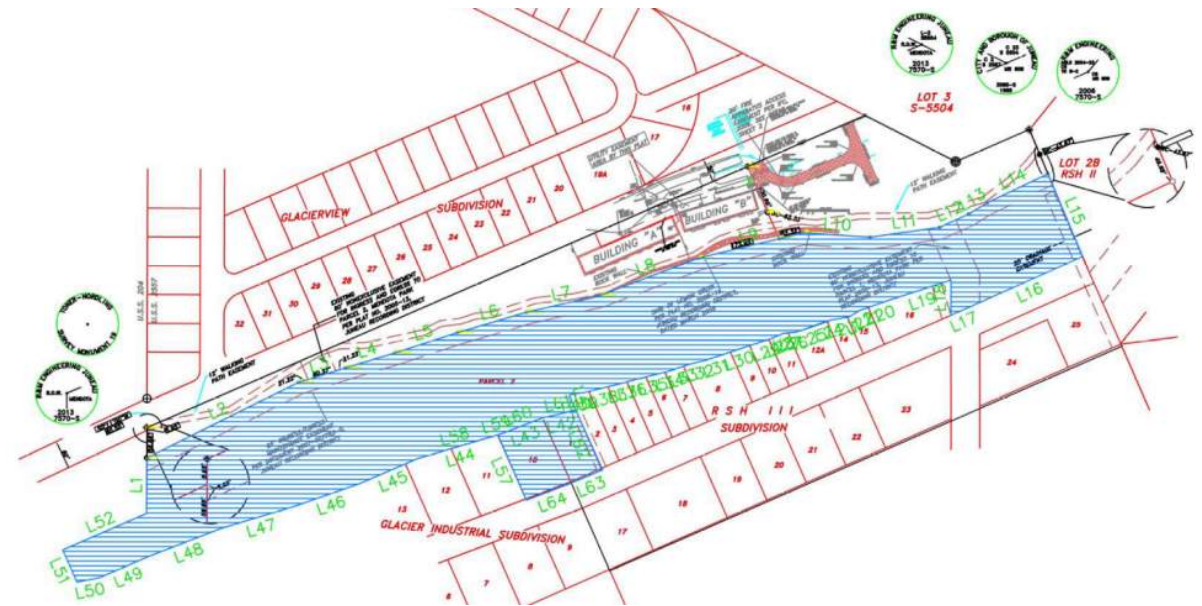


Figure 11

ZONING

The areas where the severance will occur are zoned Rural Reserve and Industrial.

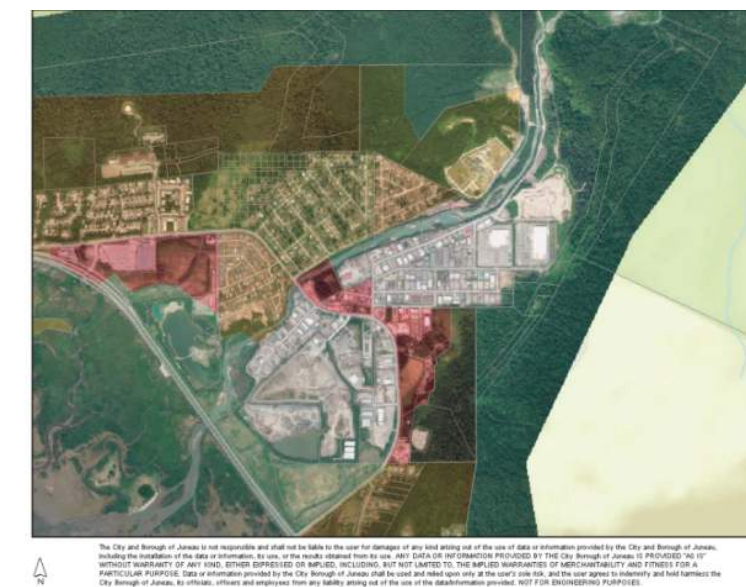


Figure 12

CURRENT USE

Gravel extracted from this property since 2009 with Conditional Use Permit 2006 000054.

2009 – 10,000 cubic yards

2010 - 10,000 cubic yards

2011 – 0 cubic yards

2012 – 10,000 cubic yards

Gravel extracted from this property since 2012 with Conditional Use Permit 2012 0019.

2013 – 10,000 cubic yards

2014 – 5,500 cubic yards

2015 – 16,515 cubic yards

2016 – 20,095 cubic yards

2017 – 19,172 cubic yards

2018 – 17,341 cubic yards

Gravel extracted from this property since 2019 with Conditional Use Permit 2018 0024.

2019 – 15,112 cubic yards

2020 – 14,985 cubic yards

2021 – 22,000 cubic yards

2022 – 19,000 cubic yards

2023 – 22,000 cubic yards

To date 211,720 cubic yards have been extracted from Lemon Creek over the past 15 years.

The dimensions of 211,720 cubic yards is 100 feet wide by 6 feet high and approximately 1 mile long. Lemon Creek is about one mile in length from 1791 Anka Drive to Egan Highway Bridge.

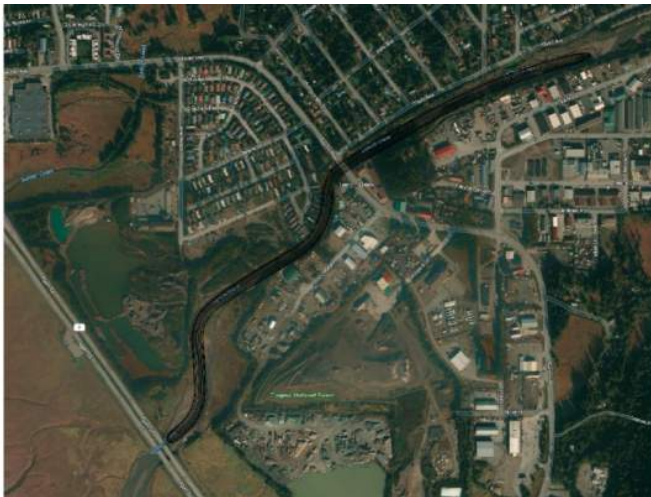


FIGURE 13

METHOD OF MINING

Prior to severance of materials ADF&G Habitat Division will be notified. The extraction site will be surveyed with a Habitat Biologist to determine what areas can be zoned for extraction. The site will be staked for property offset and buffer zone setback identified by the biologist.

Image 1 - Severance Zone 1 diagram



Figure 13

These exposed gravel reaches are not fish habitat, even if the areas are submerged during spawning and the fish are able to lay eggs in the sands. They are dry for extended periods of time throughout the year and during the winter can freeze to several feet in depth.

Once the severance zone boundaries are staked temporary berms will be installed on the up-stream side of the excavation in a effort to keep Lemon Creek from entering the severance area during elevated flows. The temporary berms are left inplace once the severane area is finished for the season. If Lemon Creek floods, the berm will be washed into the severance pit.

GRAVEL SEVERANCE

The mined gravels will be severed in either of two ways:

1. The gravels will be excavated and loaded into the conveyance unit in one operation.

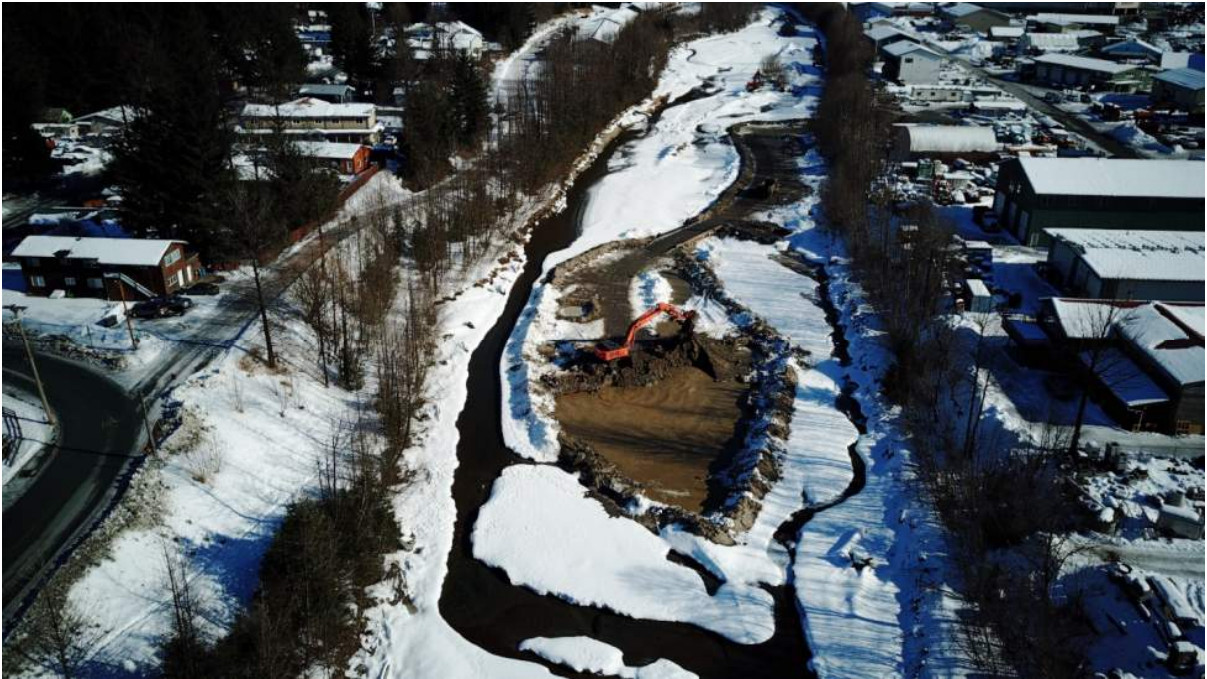


Figure 14

2. Excavate the gravels into a surge stockpile next to the extraction pit. The stockpile is located next to the excavator. It is no more than two truckloads in size. The purpose of the surge pile is for gravels to have the opportunity to drain most of the water before being loaded into the conveyance unit. Once loaded the gravels will be hauled to the wash plant site and stockpiled.



Figure 15

During the extraction process a dozer will be deployed. With the blade a large area and be swepted of snow into berms. It also facilitates the the breaking up of the frozen ground with its ripper.



Figure 16

As can be seen in the figures the severance pit is full of water. This water is turbid and has suspended solids from all the extraction disturbance. It is critical to keep any inflow of water from the extraction pit. As long as the pit is excavated the water will stay in the severed site. If external inflows of water are allowed to enter the severance pond the turbid waters of the extraction pond will eventually escape and enter Lemon Creek. From Secons experience in extracting gravels from Lemon Creek, if there is a problem with the turbid waters trying to leave the severance pond the answer is simply to setback 10 feet and start a new severance. The new severance will tend to create a hydraulic depression in the previous severance pit. This tends to keep the waters of the previous severance pond depressed and from over flowing to Lemon Creek.



Figure 17

During the gravel extraction the severance zone pit is isolated from Lemon Creek. Once the severance zone is exhausted of gravels the berm will be left in place. The severance pit suspended solids and turbidity will begin to settle.

Historically the severance ponds have after one to two months, been clearer than Lemon Creek as it breaches the severance ponds. There is a notable difference between Lemon Creek and the quite stillness of the severance ponds as far as turbidity.



Figure 18

TRAFFIC

End dump trucks haul the severed gravels to 5772 Concrete Way, Aggpro's Yard. The route is 1791 Anka Drive to Commercial Drive, Commercial Drive to Glacier Highway, Glacier Highway to Concrete Way. This is a CBJ designated truck route.

Secon estimates 250 truckloads per day approximately 14 days.

Secon contracts a street sweeping contractor to maintenance the streets if any sand and gravel spillage occurs. The sweeping contractor cleans the haul route at the end of each day.

RESOURCES

The equipment used to extract gravels from the exposed reaches will be any combination of the following:

- Large Excavator
- Large Dozer
- Large Loader
- 10 cubic yard end dumps
- 20 cubic yard end dumps
- 20 cubic yard side dumps
- Articulated Trucks

The conveyance units will haul the severed gravels to a wash plant and then processed through a screen plant into different products. These products will be temporarily stockpiled at this location before being conveyed either to a project or to Aggpro for marketing.

Products made from the mined gravels.

1. Concrete aggregate
2. Concrete Sand
3. Asphalt Blend Sand
4. Washed Rock
5. Sand
6. Chips for winter sanding

The wash plant will be setup above the seasonal high water elevation. A water collection sump would be created. The plant would be in operation starting in the spring when temperatures stay above freezing and shut down in the fall when the temperatures start freezing once again.

No fueling of equipment will take place below ordinary high water.

RESTORATION

The bridge and abutments will be removed. Embanked berms and fills will be removed from Lemon Creek flood plain. Severance voids will be allowed to naturally be filled in by Lemon Creek.

CURRENT PERMITS HELD BY SECON

Fish Habitat Permit FH14-I-0141

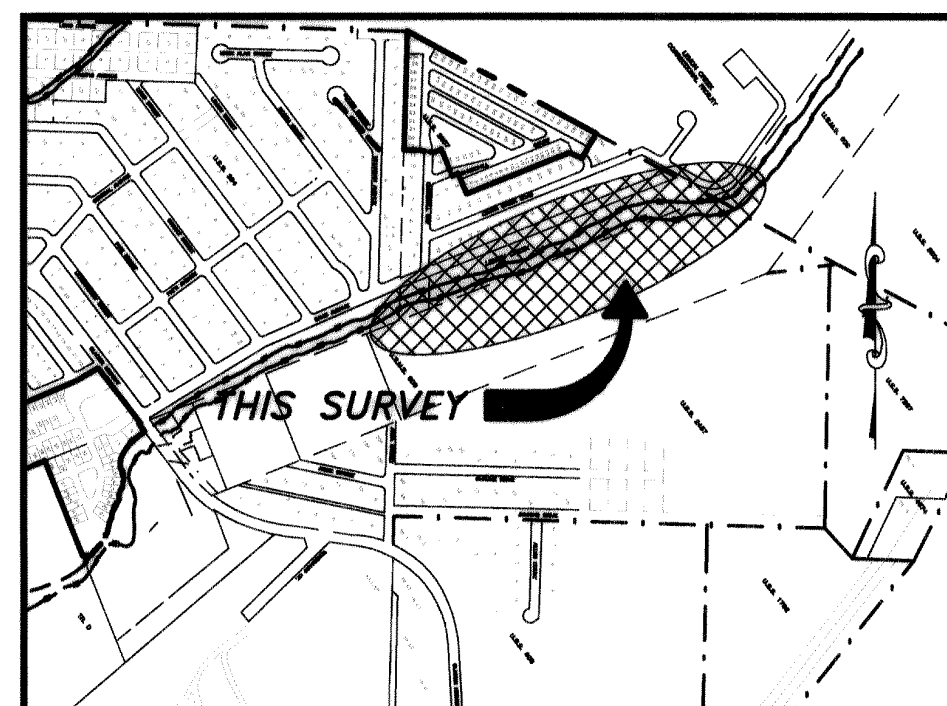
US Army Corps of Engineers, Alaska District Permit: POA-1983-20

Alaska Department of Environmental Conservation - Division of Water - Wastewater Discharge Authorization Program, Section 401 Reasonable Assurance

ATTACHMENTS:

- Plat of Mendota Park, Parcel 2
- Site Plan and Details
- Fish Habitat Permit
- US Army Corps of Engineers Permit

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



VICINITY MAP

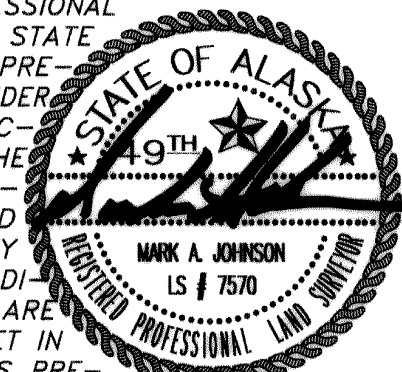
SOURCE: C.B.J. PROPERTY ATLAS
SCALE: 1"=1,000' +/-

SYMBOLS

- ⊕ C.B.J. PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊕ T & N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊕ 7570-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 7570-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
- BOUNDARY / PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



2005-13

JUNEAU REC DIST

DATE 3-31, 2005

TIME 2:41 P.M.

Requested By C.B.J.

Address

JUNEAU RECORDING DISTRICT
A PLAT DENOTING

MENDOTA PARK
A SUBDIVISION OF
**THREE FRACTIONS OF
U.S. SURVEY NO. 2557**

AND
LOT 26, R.S.H. III SUBDIVISION

MINERAL SURVEY NO.609

CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:

ANAKCHAK, INC.
10518 FOX FARM TRAIL
JUNEAU, ALASKA 99801

DATE: MARCH, 2005

SURVEYOR:

R & M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

R & M PROJ. NO. 031772

SHEET 1 OF 1

CERTIFICATE OF PLAT APPROVAL

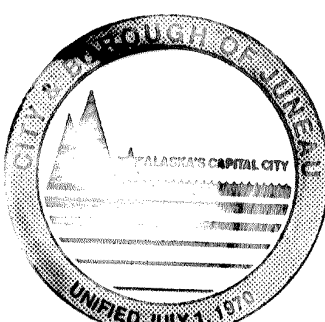
I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: March 31, 2005

DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

ATTEST:

SCOTT WILSON, Deputy Clerk
CLERK,
CITY AND BOROUGH OF JUNEAU



CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE March 29, 2005

WITNESS [Signature] OWNER [Signature]

WITNESS [Signature] OWNER [Signature]

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA

THIS IS TO CERTIFY THAT ON THIS 29 DAY OF March, 2005, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED [Signature] to ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

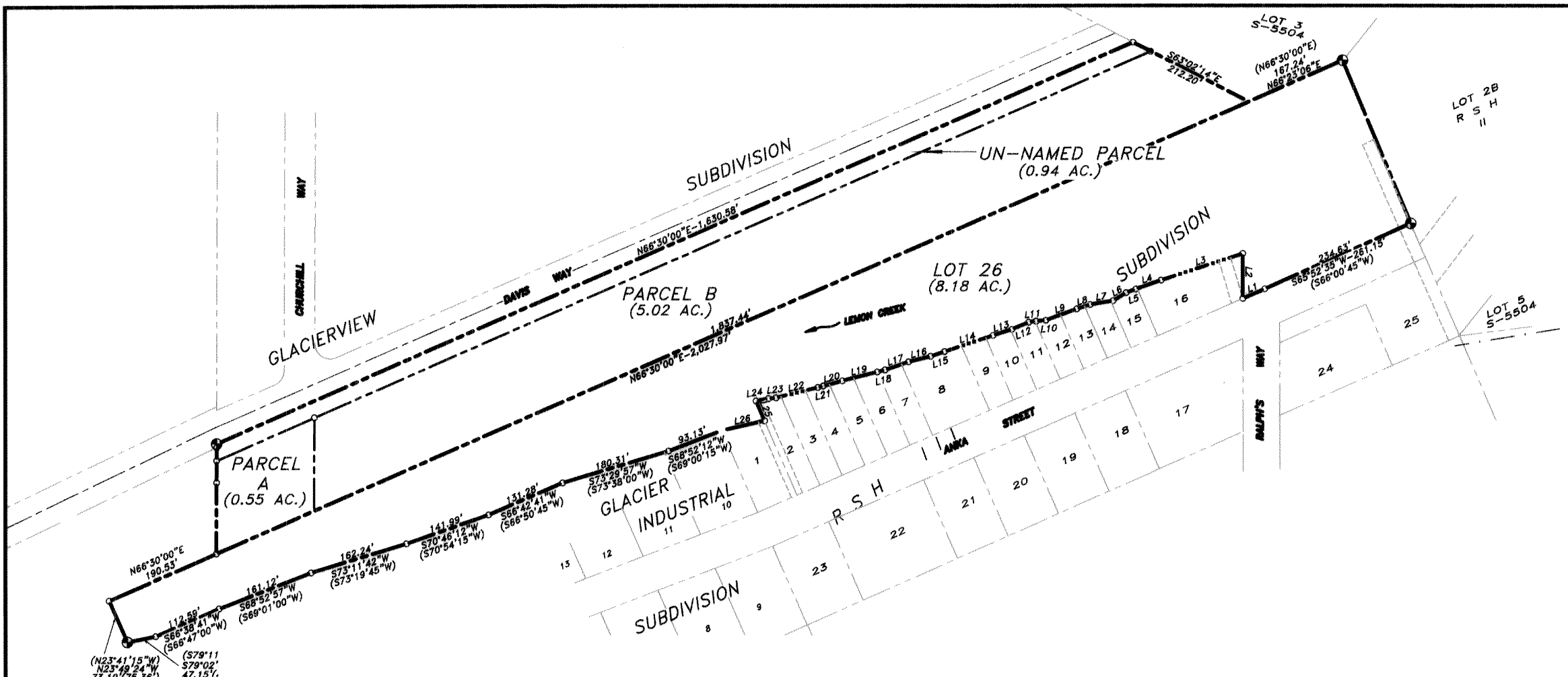
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS

CERTIFICATE FIRST ABOVE SIGNED

Carole Bullman OFFICIAL SEAL

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 02/18/2008



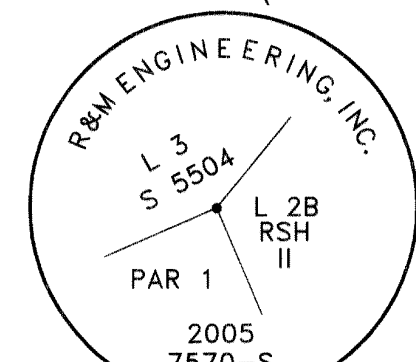
ORIGINAL LOT LAYOUT

PER PLAT 2000-2; "EXHIBIT A", PAGE 25, BOOK 358 AND "A SUBDIVISION OF U.S. SURVEY NO. 2557, GLACIERVIEW", DATED APRIL 1, 1955 ON FILE IN THE JUNEAU RECORDING DISTRICT
SCALE: 1"=200'

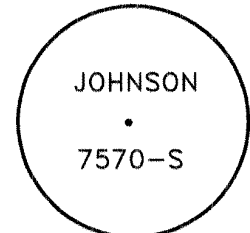
NUMBER	BEARING	DISTANCE
L1	S66°21'00"W (S66°29'15"W)	39.06'
L2	N 0°01'54"W (N0°06'15"W)	73.24'
L3	S71°57'51"W (S72°06'00"W)	140.26'
L4	S70°44'21"W (S70°52'30"W)	43.88'
L5	S70°12'36"W (S70°20'45"W)	16.91'
L6	S58°22'21"W (S58°30'30"W)	24.90'
L7	S80°07'06"W (S80°15'15"W)	37.98'
L8	S72°46'21"W (S72°54'30"W)	23.05'
L9	S70°08'21"W (S70°16'30"W)	53.67'
L10	S84°47'06"W (S84°55'15"W)	15.93'
L11	S82°07'51"W (S82°16'00"W)	12.13'
L12	S67°08'21"W (S67°16'30"W)	29.75'
L13	S72°24'21"W (S72°32'30"W)	32.46'
L14	S71°33'06"W (S71°41'15"W)	83.34'
L15	S71°35'51"W (S71°44'00"W)	23.99'
L16	S76°04'51"W (S76°13'00"W)	37.23'
L17	S71°05'21"W (S71°13'30"W)	40.34'
L18	S74°49'51"W (S74°58'00"W)	13.26'
L19	S75°59'21"W (S76°07'30"W)	59.09'
L20	S74°55'51"W (S75°04'00"W)	32.10'
L21	S75°53'06"W (S76°01'15"W)	8.81'
L22	S76°00'51"W (S76°09'00"W)	70.57'
L23	S83°31'06"W (S83°39'15"W)	12.29'
L24	S79°34'21"W (S79°42'30"W)	20.85'
L25	S23°39'00"E (S23°30'45"E)	35.00'
L26	S77°20'48"W (S77°29'00"W)	71.47'

TYPICAL MONUMENTS

(ESTABLISHED THIS SURVEY)



PRIMARY MONUMENT
3" DIA. ALUMINUM BERTSEN
FEDERAL A-1 MAGNETIZED CAP
ON 2 1/2" DIA. SHANK SET
24" IN GROUND

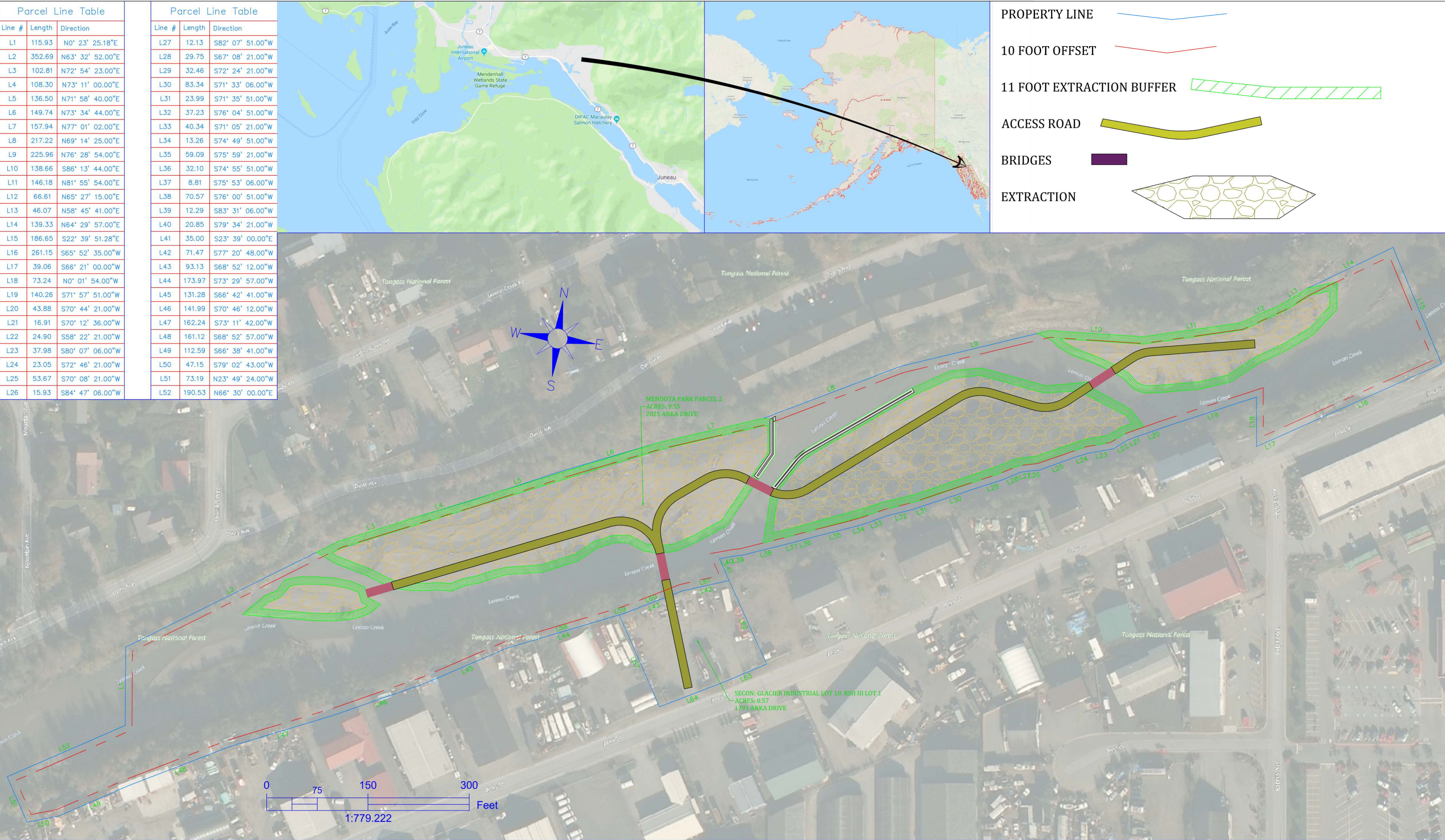


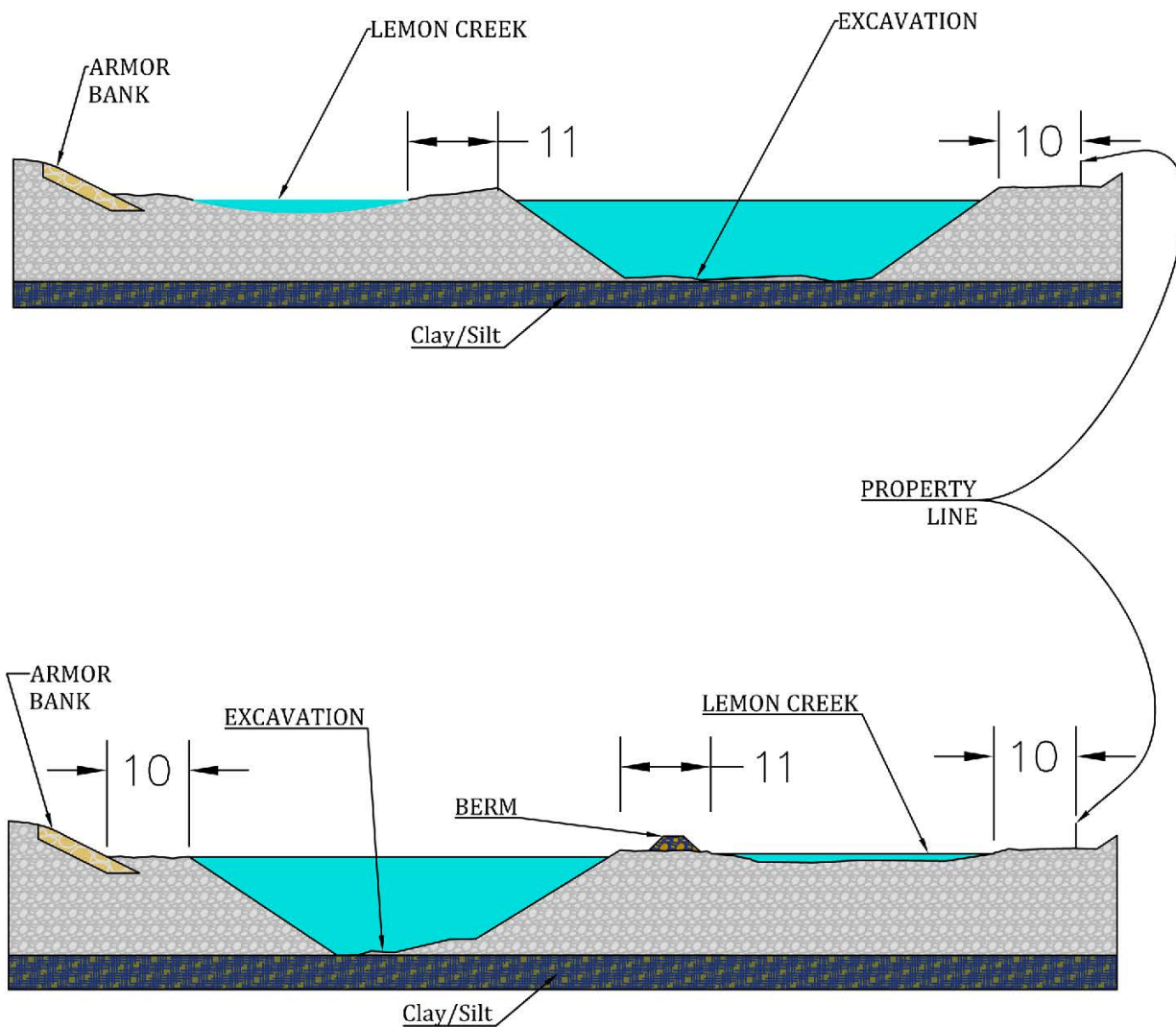
SECONDARY MONUMENT
1 1/4" DIA. YELLOW
PLASTIC SURV-CAP
ON 5/8" DIA. RE-BAR
SET 24" IN GROUND

SCALE: 1" = 100'

GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN A RECOVERED C.B.J. PRIMARY MONUMENT FOR CORNER 2, U.S. SURVEY NO. 2557 AND A T & N PRIMARY MONUMENT LOCATED AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF DAVIS AVENUE WITH THE COMMON BOUNDARY BETWEEN U.S. SURVEY NO'S. 204 AND 2557, HAVING A RECORD COMPUTED BEARING OF S73°40'17"W.
2. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED SURVEY COURSES BY THIS SURVEY, RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESES WHILE THE FIELD MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESES.
3. FIELD SURVEY WAS CONDUCTED BY CONVENTIONAL ON-THE-GROUND SURVEYING METHODS UTILIZING A TOPCON GTS-302 TOTAL STATION AND RANGING PRISM.
4. THE COMMON BOUNDARY BETWEEN PARCELS 1 AND 2 DENOTED BY THIS PLAT REPRESENTS THE ORDINARY HIGH WATER OF LEMON CREEK AS DETERMINED BY THE OWNER OR HIS AGENT AND THE CITY & BOROUGH OF JUNEAU. IT DOES NOT REPRESENT A DETERMINATION OF THE LINE OF ORDINARY HIGH WATER BY THIS SURVEYOR.





SECON
SOUTHEAST ALASKA
1836 Anka Drive
Juneau, AK 99801
(907) 780-5145
P.O. Box 32159
Juneau, AK 99803

LEMON CREEK GRAVEL EXTRACTION

DETAIL

CROSS SECTION

REVISION:

Sheet

2

Drawn by:

9/21/2018

Project Number: 100722

Scale: 20:1



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Fish and Game

DIVISION OF HABITAT
Southeast Region Office

802 3rd Street
Douglas, AK 99824-5412
P.O. Box 110024
Juneau, Alaska 99811-0024
Main: 907.465.4105
Fax: 907.465.4759

FISH HABITAT PERMIT FH14-I-0104

ISSUED: September 9, 2014

Mr. Michael Short
Engineering Manager
SECON
P.O. Box 32159
Juneau, Alaska 99803

RE: Sand and Gravel Extraction
Lemon Creek (Stream No. 111-40-10100)
Sec 34, T 40 S, R 66 E, CRM (Juneau B-2)
Coordinates: 58.3600° N, 134.4885° W (WGS84)

Dear Mr. Short:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your proposal to mine sand and gravel in Lemon Creek.

Background

ADF&G issued Fish Habitat Permit FH06-I-0128 for sand and gravel mining on August 2, 2007, and amended the permit on January 7, 2009 to improve equipment access to Lemon Creek. Habitat biologists worked with SECON to monitor the activity for six years. The activity did not negatively impact fish passage or impair fish habitat or water quality in Lemon Creek. The permit expired on June 15, 2014.

Project Description

SECON will mine about 10,000 cubic yards of sand and gravel annually from about 9½ acres of patented streambed in Lemon Creek between December 1 and March 15. The project manager will provide Habitat Division a three day prior to mining email notice so that habitat biologists can meet with the operator to stake mine limits and restrict excavation to areas not used the previous season by spawning salmon. SECON personnel will accompany habitat biologists on site during mining as they document activity, measure water quality and remove rearing juvenile salmonids from dewatered areas.

SECON will access the mine at 1721 Anka Drive, 1791 Anka Drive, or at Ralph's Way, by placing riprap on the streambank and aggregate on a gravel bar to support a fabric and aggregate covered steel bridge that spans the active channel. The fabric on the bridge directs turbid dump truck runoff back into the extraction zone. The operator will place aggregate on gravel bars to support fabric and aggregate covered steel bridges when necessary to cross active channels.

SECON will maintain an 11 ft buffer between the edge of the extraction zone and active Lemon Creek channels. The excavator operator will remove snow and ice from the extraction zone and place it on the buffer, on gravel bars outside of mine limits, or in the active channel downstream of the mine, to prevent ice dam formation and flooding that may compromise buffer integrity.

The excavator operator will remove sand and gravel from the extraction zone, placing the material in dump trucks for transport to the sort yard. The operator will leave debris in place that could breach the buffer if removed. Secon will remove bridges and aggregate from Lemon Creek after sand and gravel extraction is complete. Work generally takes about one week.

Anadromous Fish Act

Lemon Creek has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 111-40-10100 provides habitat for Dolly Varden char, chum salmon, and coho salmon. Adult chum and coho salmon migrate into Lemon Creek to spawn from mid-July through early November. Dolly Varden char and rearing juvenile coho salmon may be found in the area year-round. Chum salmon fry and coho salmon smolts migrate downstream from late-March through mid-June.

In accordance with AS 16.05.871(d), project approval is given subject to the project description above and the terms of this permit.

Terms

You shall remediate any obstruction to free fish passage to the satisfaction of ADF&G.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when any deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Please direct any questions to Jackie Timothy at (907) 465-4275 or email jackie.timothy@alaska.gov.

Sincerely,
Cora Campbell
Commissioner



By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
All, ADF&G Habitat, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
James Rypkema, DEC, Anchorage
Steve Brockmann, USFWS, Juneau
Randy Vigil, USACE, Juneau
HCD, NMFS, Juneau
Teri Camery, CBJ, Juneau

Attachment A - Application Packet

Attachment A - Application Packet



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

February 24, 2023

Regulatory Division
POA-1983-00020-M6

Mr. Noah Molnar
SECON, Southeast Alaska
Post Office Box 32159
Juneau, Alaska 99803

Dear Mr. Molnar:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-1983-00020-M6, Lemon Creek. This is the sixth permit modification of the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, state, or local statutes, ordinances, or regulations.

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above, or by phone at (907) 201-5022, if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil", is written over a large, stylized circular flourish.

Randal P. Vigil
Project Manager

Enclosures

Attachment A - Application Packet

Attachment A - Application Packet



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

February 24, 2023

Regulatory Division
POA-1983-00020-M6

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit number POA-1983-00020-M6, Lemon Creek, was issued to Mr. Ralph Horecny on February 20, 2008, to place fill below the ordinary high water mark (OHW) in Lemon Creek to serve as water diversion dikes and to construct temporary access to the riverbed.

On April 16, 2008, the permit was transferred to Colaska Incorporated, DBA SECON.

On December 22, 2008, the permit was modified to rescind the placement of fill below OHW of Lemon Creek to construct a temporary access ramp from the intersection of Anka Street and Ralph's Way down to the creek bed. The permitted was authorized to provide access to the creek bed via two portable access ramps placed respectively at 1721 and 1791 Anka Street, with the lower end of each ramp supported by up to approximately 30 cubic yards of material placed into approximately 450 square feet of waters of the United States. The permittee was also authorized to place two "Jump Ramps" to span the thalweg, including placement of up to ten cubic yards of material for approaches for each jump ramp.

On February 21, 2013, and again on December 8, 2017, the permit was modified to extend the time limit for completing the work authorized.

The project site is located within Section 34, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.359° N., Longitude 134.488° W.; on Parcel 2, Mendota Park Subdivision, U.S.S. 204, Plat #2005-13, adjacent to Anka Street, in Juneau, Alaska.

In accordance with your request, General Condition No. 1 of the permit is hereby amended to read as follows:

The time limit for completing the work authorized ends on **December 31, 2027**. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the U.S. Army Corps of Engineers for consideration at least one month before permit expiration.

-2-

All other conditions under which the subject authorization was made remain in full force and effect.

This authorization and the enclosed modified plans should be attached to the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read 'Randal P. Vigil', written in a cursive style.

Randal P. Vigil
Project Manager

Attachment A - Application Packet

Attachment A - Application Packet

-3-



**This notice of authorization must be
conspicuously displayed at the site of work.**

United States Army Corps of Engineers
Lemon Creek

A permit to: place fill below ordinary high water in Lemon Creek to serve
as water diversion dikes and to construct temporary access to the riverbed

at: Parcel 2, Mendota Park Subdivision, U.S.S. 204, Plat #2005-13, adjacent
to Anka Street, in Juneau, Alaska

has been issued to: Colaska, Incorporated DBA SECON

on: February 24, 2023 and expires on: December 31, 2027.

Address of Permittee: P.O. Box 32159, Juneau, AK 99801

Permit Number:

POA-1983-00020-M6

FOR: *District Commander*
Randal P. Vigil
Project Manager
REGULATORY DIVISION

Attachment A - Application Packet

Attachment A - Application Packet

From: [HANSEN, Maureen \(JUNSC\)](#)
To: [Teri Camery](#)
Cc: [MALLER, Brian \(JUNSC\)](#)
Subject: RE: lower lemon creek gravel SWPPP
Date: Friday, May 24, 2024 10:01:09 AM
Attachments: [image.png](#)
[RE Certificate of Reasonableness - Lower Lemon Creek POA 1982-20.msg](#)
[POA 1982-20.docx](#)
[MOD6.pdf](#)
[DEC Certificate of Reasonableness 2018.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Teri,

Swppp not required.

The only ADEC item I am aware of is the Certificate of Reasonableness that is tied to the USCOE permit. When the Corps Permit was updated last year and extended to 2027, the DEC document was not correspondingly extended.

I inquired with ADEC back in January on obtaining the revised letter to match the Corps permit to M6 and extension. They responded with the attached email stating a time extension can be done, but I have not yet seen a document. I followed up again in early March with no response from them. Let me know if this is going to be an issue.

thanks

Maureen A. Hansen, P.E.
Engineering & Environmental Manager
 Phone (907) 780-1229



From: Teri Camery <Teri.Camery@juneau.gov>
Sent: Thursday, May 23, 2024 9:41 AM
To: HANSEN, Maureen (JUNSC) <mhansen@colaska.com>
Subject: lower lemon creek gravel SWPPP

Warning : Message sent from Internet from Teri.Camery@juneau.gov

Do not click on the links or attachments unless you are sure of the sender's address.

Hello Maureen,

ADEC never submitted comments on Lower Lemon Creek gravel despite repeated requests. I guess that's good because that must mean that they don't have any concerns. However I am left wondering if there are any ADEC requirements for this development. Is a SWPPP required? My recollection from previous reviews is that it is not, but I wanted to double check with you. If

it is, do you have it, and could you send me a link please?

Thanks,

Teri

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



From: [HANSEN, Maureen \(JUNSC\)](#)
To: [Teri Camery](#)
Subject: RE: another gravel extraction question
Date: Friday, May 24, 2024 11:08:04 AM
Attachments: [image002.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Teri,

Let me know if you need further language.

1. CBJ 49.65.210(7)(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries.

Secon anticipates minimal airborne particulates due to the nature of streambed mining materials being saturated and the weather during time of year when work is allowed has precipitation over 50% of the time. If conditions are dry, the haul route from site to Aggpro will be watered down if necessary to keep dust under control.

2. CBJ 49.65.230(8) Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects. (very similar of course)

Secon will utilize water/sweeping as a measure to minimize airborne particulates. Measures to ensure environment protection is servicing all equipment daily and having a mechanic is on-call during working hours. Additionally, a mobile spill kit is readily available for an emergency.

Maureen A. Hansen, P.E.
Engineering & Environmental Manager
 Phone (907) 780-1229



From: Teri Camery <Teri.Camery@juneau.gov>
Sent: Thursday, May 23, 2024 12:18 PM
To: HANSEN, Maureen (JUNSC) <mhansen@colaska.com>
Subject: another gravel extraction question

Warning : Message sent from Internet from Teri.Camery@juneau.gov

Do not click on the links or attachments unless you are sure of the sender's address.

Hello Maureen,

When I reviewed the 2018 gravel extraction report (which I wrote), I noticed that we made just a brief mention of CBJ 49.65.200, Sand and Gravel, because the specific requirements of that section don't fit well with streambed mining. However in this review I have concluded that it's necessary to go through that section in detail so the review clearly addresses all requirements in the record. This review effectively doubles the length of the staff report and creates a lot of redundancy, but again it ensures that the review is complete.

We didn't ask you to address the requirements of that section in the PAC report. You have most of it anyway, because your application is thorough. Here are a few remaining issues from that code section that I need you to address please:

1. CBJ 49.65.210(7)(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries.
2. CBJ 49.65.230(8) Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects. (very similar of course)

Noise is addressed by reduced operating hours and the limited season and 20 days of operation. I have already noted that it's not possible to provide a visual buffer to the site. So really the only issue is airborne particulates and other pollutant emissions. The only thing I can think of is dust.

Could you respond at your earliest convenience please?

Thanks very much,
Teri

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

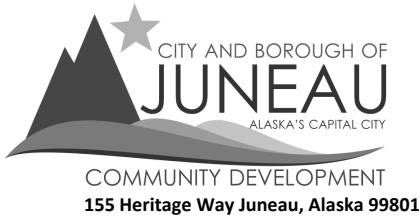
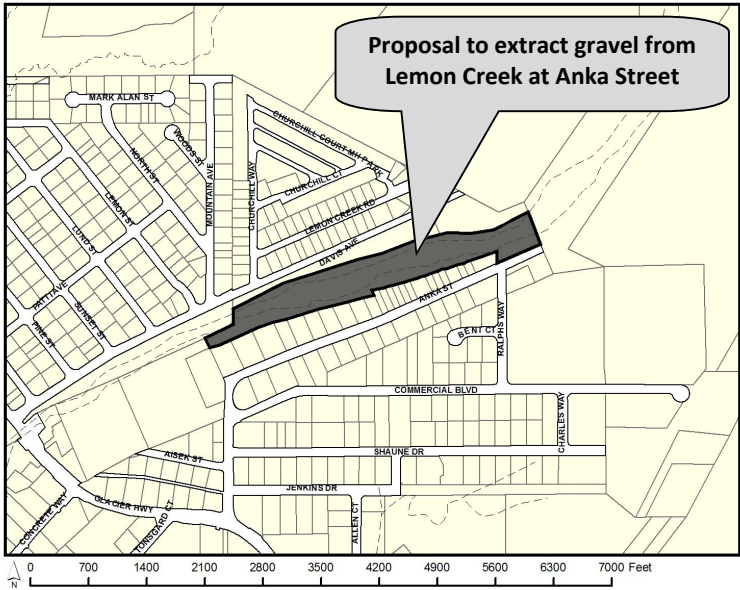
Office: 907.586.0753 extension 4129



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

Conditional Use Permit has been submitted for consideration and public hearing by the Planning Commission to **continue an existing gravel mining operation** in **Lemon Creek streambed on Anka Street** in the **Rural Reserve and Industrial zoning district**.

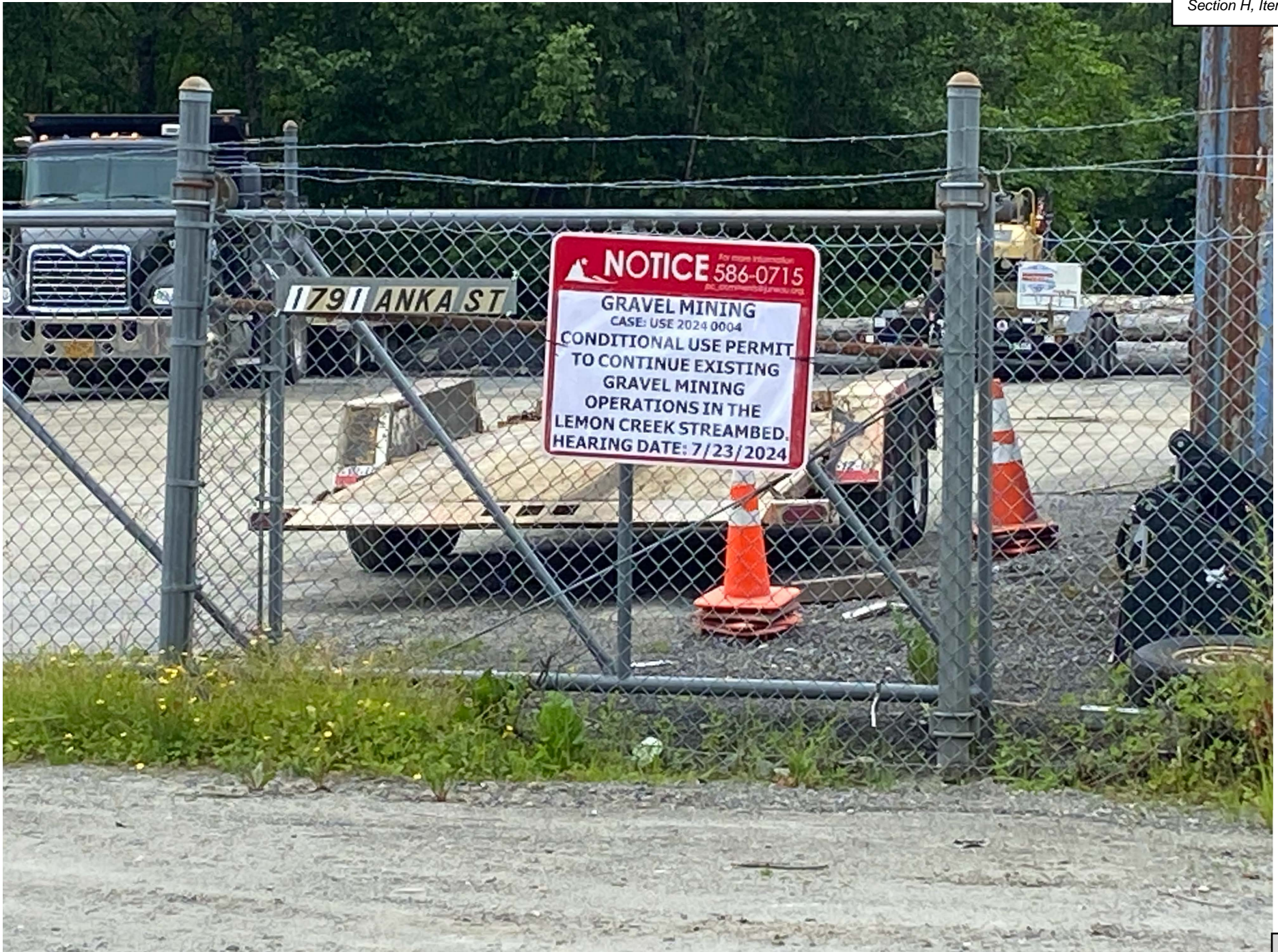
PROJECT INFORMATION:

Project Information can be found at:
<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **July 15** at
<https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes, and more here, as well.

Now through July 1	July 2— noon, July 19	HEARING DATE & TIME: 7:00 pm, July 23, 2024	July 24
Comments received during this period will be sent to the Planner, Teri Camery to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/82652961046 and use the Webinar ID: 826 5296 1046 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.
FOR DETAILS OR QUESTIONS, Phone: (907)586-0753 ext. 4129 Email: pc_comments@juneau.gov or teri.camery@juneau.gov Mail: Community Development, 155 Heritage Way, Juneau AK 99801			
Printed June 13, 2024		Case No.: USE2024 0004 Parcel No.: 5B1201310041 CBJ Parcel Viewer: http://epv.juneau.org	



Attachment B - Abutters Notice and Public Notice Sign Photo

From: [Jensen, Nicholas L \(DFG\)](#)
To: [Teri Camery](#)
Cc: [Kanouse, Kate M \(DFG\)](#); [Augat, Gretchen M \(DEC\)](#)
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED
Date: Wednesday, March 27, 2024 8:30:53 AM
Attachments: [2023 Lower Lemon Creek Gravel Mining.pdf](#)
[FH14-I-0104A Lemon Creek Gravel Mining SECON.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Teri,

Thank you for the opportunity to review the CUP USE24-004 application and its attachments. Our comments are listed below.

- ADF&G issued permit amendment FH14-I-0104A to SECON for gravel extraction on lower Lemon Creek in 2024 and plans to issue a new Fish Habitat Permit to SECON on an annual basis for lower Lemon Creek gravel extraction going forward.
- Stipulation 33 in the grading permit states “The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream, or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.” Although it is already implied, we recommend specifying that large woody debris is not to be placed or buried in the berms themselves due to the risk of debris being pulled out during high flows, which could then pull out the berm.

I’ve attached a trip report covering SECON’s 2023 activities and a copy of FH14-I-0104A for your reference. A trip report for the mining activities that occurred in February 2024 on lower Lemon Creek is currently being drafted and we’ll be sure to send you a copy.

Thank you,
Nick

Nick Jensen
 Habitat Biologist
 ADFG – Habitat Section
 Southeast Region
 907-465-6646

From: [Mary Hammond](#)
To: [Teri Camery](#)
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED
Date: Tuesday, April 2, 2024 3:17:54 PM

Hi Teri,

Since this is a renewal and not a new gravel extraction project, I don't think it would have a negative impact to property values if it continues.

Mary Hammond

Assessor

City & Borough of Juneau

(907) 586-5215 ext. 4033

From: Teri Camery <Teri.Camery@juneau.gov>
Sent: Monday, April 1, 2024 12:30 PM
To: Mary Hammond <mary.hammond@juneau.gov>
Subject: FW: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello Mary,

Again I apologize for not adding you to the agency review for this project. Could you provide comments at your earliest convenience please?

Thank you,
Teri Camery

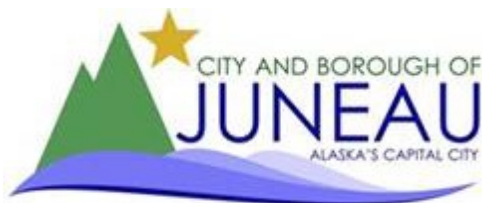
Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



From: Teri Camery

Sent: Thursday, March 7, 2024 9:41 AM

To: Charlie Ford <Charlie.Ford@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; kate.kanouse@alaska.gov; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <bridget.lapenter@juneau.gov>

Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>

Subject: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello,

Please review the attached Conditional Use Permit application for gravel extraction in the Lemon Creek streambed. The applicant, SECON, has three previously approved Conditional Use permits for this location: USE20060054; USE20120019; and USE20180024. The staff report and Notice of Decision for the last Conditional Use Permit, USE2018-0024, are attached for reference.

Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game, with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,

Teri Camery

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



From: [Charlie Ford](#)
To: [Scott Gray](#); [Theresa Ross](#); [Teri Camery](#); [Kanouse, Kate M \(DFG\)](#); [Dan Bleidorn](#); [Augat, Gretchen M \(DEC\)](#); [Patty Wahto](#); [arthur.drown@alaska.gov](#); [Bridget LaPenter](#)
Cc: [Scott Ciambor](#)
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED
Date: Thursday, March 7, 2024 10:15:07 AM

No issues from Buildings.

Thanks,

From: Scott Gray <Scott.Gray@juneau.gov>
Sent: Thursday, March 7, 2024 10:12 AM
To: Theresa Ross <Theresa.Ross@juneau.gov>; Teri Camery <Teri.Camery@juneau.gov>; Charlie Ford <Charlie.Ford@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Streets does not have any concerns.

Thanks,

Scott



Scott Gray

Streets and Fleet Superintendent

City and Borough of Juneau

907-586-5256 ext. 4240

From: Theresa Ross <[Theresa.Ross@juneau.gov](#)>
Sent: Thursday, March 7, 2024 10:08 AM
To: Teri Camery <[Teri.Camery@juneau.gov](#)>; Charlie Ford <[Charlie.Ford@juneau.gov](#)>; Kanouse, Kate M (DFG) <[kate.kanouse@alaska.gov](#)>; Scott Gray <[Scott.Gray@juneau.gov](#)>; Dan Bleidorn <[Dan.Bleidorn@juneau.gov](#)>; Augat, Gretchen M (DEC) <[Gretchen.augat@alaska.gov](#)>; Patty Wahto <[Patty.Wahto@jnuairport.com](#)>; [arthur.drown@alaska.gov](#); Bridget LaPenter <[Bridget.LaPenter@juneau.gov](#)>
Cc: Scott Ciambor <[Scott.Ciambor@juneau.gov](#)>
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

No concerns from fire.

From: Teri Camery <Teri.Camery@juneau.gov>

Sent: Thursday, March 7, 2024 9:41 AM

To: Charlie Ford <Charlie.Ford@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>

Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>

Subject: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello,

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Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game, with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,

Teri Camery

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129

From: [Theresa Ross](#)
To: [Teri Camery](#); [Charlie Ford](#); [Kanouse, Kate M \(DFG\)](#); [Scott Gray](#); [Dan Bleidorn](#); [Augat, Gretchen M \(DEC\)](#); [Patty Wahto](#); [arthur.drown@alaska.gov](#); [Bridget LaPenter](#)
Cc: [Scott Ciambor](#)
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED
Date: Thursday, March 7, 2024 10:08:31 AM

No concerns from fire.

From: Teri Camery <Teri.Camery@juneau.gov>
Sent: Thursday, March 7, 2024 9:41 AM
To: Charlie Ford <Charlie.Ford@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>
Subject: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello,

Please review the attached Conditional Use Permit application for gravel extraction in the Lemon Creek streambed. The applicant, SECON, has three previously approved Conditional Use permits for this location: USE20060054; USE20120019; and USE20180024. The staff report and Notice of Decision for the last Conditional Use Permit, USE2018-0024, are attached for reference.

Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game, with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,
Teri Camery

Teri Camery | Senior Planner, CFM
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Mailing address: 155 Heritage Way Juneau, Alaska 99801

From: [Bridget LaPenter](#)
To: [Teri Camery](#)
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED
Date: Thursday, April 25, 2024 9:21:50 AM

Yes, I do.

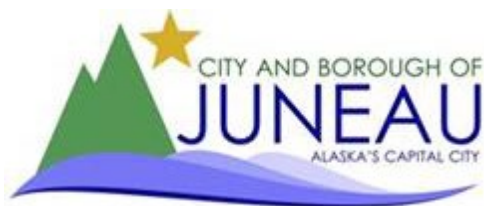
Bridget LaPenter, P.E. | Chief GE Engineer
 General Engineering Department | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0800 ext. 4187 Cell: 907.500.4170

From: Teri Camery <Teri.Camery@juneau.gov>
Sent: Thursday, April 25, 2024 9:21 AM
To: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Thanks Bridget, I'll add that to our recommendations. Do you support the other conditions previously listed?

Teri

Teri Camery | Senior Planner, CFM
[Community Development Department](#) | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Mailing address: 155 Heritage Way Juneau, Alaska 99801
 Office: 907.586.0753 extension 4129



From: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Sent: Wednesday, April 24, 2024 4:34 PM
To: Teri Camery <Teri.Camery@juneau.gov>
Cc: Eric Vogel <Eric.Vogel@juneau.gov>
Subject: Re: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Thanks, Teri.

In consideration of the conditions in the Notice of Decision, I recommend that the bond amount described in condition #2 be increased to \$75,000.00.

Please let me know if you need anything else.

Bridget LaPenter, P.E. | Chief GE Engineer

General Engineering Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0800 ext. 4187 Cell: 907.500.4170

From: Teri Camery <Teri.Camery@juneau.gov>

Sent: Wednesday, April 24, 2024 12:52 PM

To: Bridget LaPenter <Bridget.LaPenter@juneau.gov>

Cc: Eric Vogel <Eric.Vogel@juneau.gov>

Subject: FW: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello Bridget,

Engineering's review on this project – especially whether the conditions from the USE2018-24 NOD that include engineering requirements – are important to this Conditional Use Permit review. I haven't received any comments from the March 22 deadline and would appreciate your review as soon as possible.

I have cc-ed Eric, because he has been involved with SECON gravel extraction in the past.

Thanks very much,

Teri

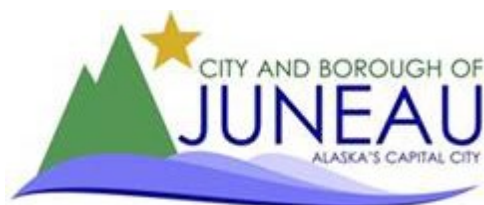
Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



From: Teri Camery

Sent: Thursday, March 7, 2024 9:41 AM

To: Charlie Ford <Charlie.Ford@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; kate.kanouse@alaska.gov; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <bridget.lapenter@juneau.gov>

Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>

Subject: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello,

Please review the attached Conditional Use Permit application for gravel extraction in the Lemon Creek streambed. The applicant, SECON, has three previously approved Conditional Use permits for this location: USE20060054; USE20120019; and USE20180024. The staff report and Notice of Decision for the last Conditional Use Permit, USE2018-0024, are attached for reference.

Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game, with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,

Teri Camery

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



From: [Scott Gray](#)
To: [Theresa Ross](#); [Teri Camery](#); [Charlie Ford](#); [Kanouse, Kate M \(DFG\)](#); [Dan Bleidorn](#); [Augat, Gretchen M \(DEC\)](#); [Patty Wahto](#); [arthur.drown@alaska.gov](#); [Bridget LaPenter](#)
Cc: [Scott Ciambor](#)
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED
Date: Thursday, March 7, 2024 10:11:59 AM

Streets does not have any concerns.

Thanks,

Scott



Scott Gray

Streets and Fleet Superintendent

City and Borough of Juneau

907-586-5256 ext. 4240

From: Theresa Ross <Theresa.Ross@juneau.gov>
Sent: Thursday, March 7, 2024 10:08 AM
To: Teri Camery <Teri.Camery@juneau.gov>; Charlie Ford <Charlie.Ford@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>
Subject: RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

No concerns from fire.

From: Teri Camery <Teri.Camery@juneau.gov>
Sent: Thursday, March 7, 2024 9:41 AM
To: Charlie Ford <Charlie.Ford@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>
Subject: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello,

Please review the attached Conditional Use Permit application for gravel extraction in the Lemon Creek streambed. The applicant, SECON, has three previously approved Conditional Use permits for this location: USE20060054; USE20120019; and USE20180024. The staff report and Notice of Decision for the last Conditional Use Permit, USE2018-0024, are attached for reference.

Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game, with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,
Teri Camery

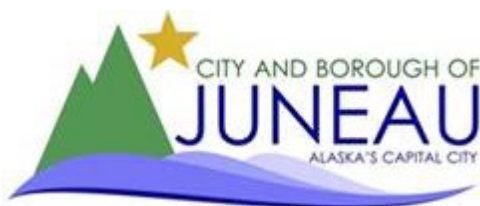
Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

MICHAEL A. DAU AND CINDY DAU,

Appellants,

vs.

CBJ PLANNING COMMISSION,

Appellee,

and

SECON (COLASKA, INC.),

Appellee/Intervenor.

Appeal of:
Notice of Decision
CDD File No. USE2012-0019

DECISION ON APPEAL

I. Introduction.

Michael and Cindy Dau have appealed to the Assembly a Conditional Use Permit issued by the CBJ Planning Commission to Secon (Colaska, Inc.) to mine gravel from a patented mining claim in the streambed of Lemon Creek close to the Dau’s home in Rivers Edge Condominiums. The main focus of the Dau’s challenge is the noise and vibration caused by gravel mining close to their home. The appeal process is governed by the CBJ Appeals Code (CBJ 01.50), the CBJ Charter, and relevant case law from the Alaska Supreme Court.

The appeal was timely filed; the Assembly accepted the appeal and appointed Assemblymember Karen Crane as Presiding Officer; a pre-hearing conference was held with the parties at which Secon was allowed to intervene as an appellee; and a briefing schedule was set. Motions were filed by the parties and decided by the Presiding Officer regarding the final content of the record on appeal; all parties submitted briefs on schedule; and oral argument was conducted at which all parties provided

1 argument as to why the Commission’s decision should be affirmed, modified, or reversed. The
2 Assembly met twice in closed session to deliberate.¹

3 **II. Issues on Appeal.**

4 By motion decided by the Presiding Officer, the issues on appeal were modified from Appellant’s
5 Notice of Appeal pursuant to CBJ 01.50.050(a)(2), and are set forth below:

- 6 1. The proposed mining project is not compatible with the surrounding
7 neighborhood due to noise, intensity, and resulting property damage.
- 8 2. Evidence of vibration damage to homes from past gravel extraction
9 activities, and resulting loss of property value, was presented at the hearing.
10 Planning Commissioners failed to adequately consider this evidence and
11 provided inadequate safeguards when the permit was approved.
- 12 3. Relevant public testimony was not adequately considered by Planning
13 Commissioners.

12 **III. Burden of Proof and Standard of Review.**

13 CBJ 01.50.070, Standard of review and burden of proof, provides:

- 14 (a) The appeal agency or the hearing officer may set aside the decision being appealed
only if:
- 15 (1) The appellant establishes that the decision is not supported by substantial
16 evidence in light of the whole record, as supplemented at the hearing;
- 17 (2) The decision is not supported by adequate written findings or the findings
18 fail to inform the appeal agency or the hearing officer of the basis upon
19 which the decision appealed from was made; or
- 20 (3) The appeal agency or the hearing officer failed to follow its own procedures or
otherwise denied procedural due process to one or more of the parties.
- 21 (b) The burden of proof is on the appellant.

21 //

22 //

23 //

24 //

25 _____

26 ¹ The Open Meetings Act does not apply to governmental bodies performing a quasi-judicial function.
AS 44.62.310(d)(1).

1 **IV. Conclusion.**

2 The CBJ Charter, Section 3.12(f)(1), provides: "The prevailing vote of at least five members
3 shall be required for official action." In this case, after briefing by the parties, oral argument, and two
4 substantial sessions of deliberation on the question, the Assembly was unable to reach a prevailing vote
5 of at least five members on a decision resolving this appeal.

6 Accordingly, with no official action by the Assembly to set aside or modify the Commission's
7 decision under CBJ 01.50.070, the appeal is deemed denied.

8 This is a final administrative decision of the City and Borough of Juneau. It may be appealed if
9 such an appeal is filed pursuant to the Alaska Rules of Court with the Juneau Superior Court *within 30*
10 *days* from the date it is distributed to the parties.

11 IT IS SO ORDERED.

12 Dated this 12 day of June, 2013.

13 ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

14 Karen R. Crane
15 By: Karen Crane, Presiding Officer

16 Attest:

17 Laurie J. Sica
18 Laurie J. Sica, Municipal Clerk
19

20 Distributed:

21 6/13/2013 to Davis + Secon
22 + CDD staff + Assembly via email.
23 Ejm
24
25
26

27 *Michael A. Dau and Cindy Dau v. CBJ Planning Commission and Secon (Colaska, Inc.)*
Decision on Appeal

PLANNING COMMISSION STAFF

PUBLIC WAY VACATION: STV2024 0001

HEARING DATE: JUNE 25, 2024

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

**DATE:** July 16, 2024**TO:** Mandy Cole Chair, Planning Commission**BY:** David Matthew Peterson, Planner II

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a Public Way Vacation for the cul-de-sac portion at the south end of Hendrickson Road.

STAFF RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation of **APPROVAL with Conditions** to the Assembly

KEY CONSIDERATIONS FOR REVIEW:

- Cul-de-sac vacation may make the structure conforming for front yard setback, rather than compliant via a variance.

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this permit.

STANDARD OF REVIEW:

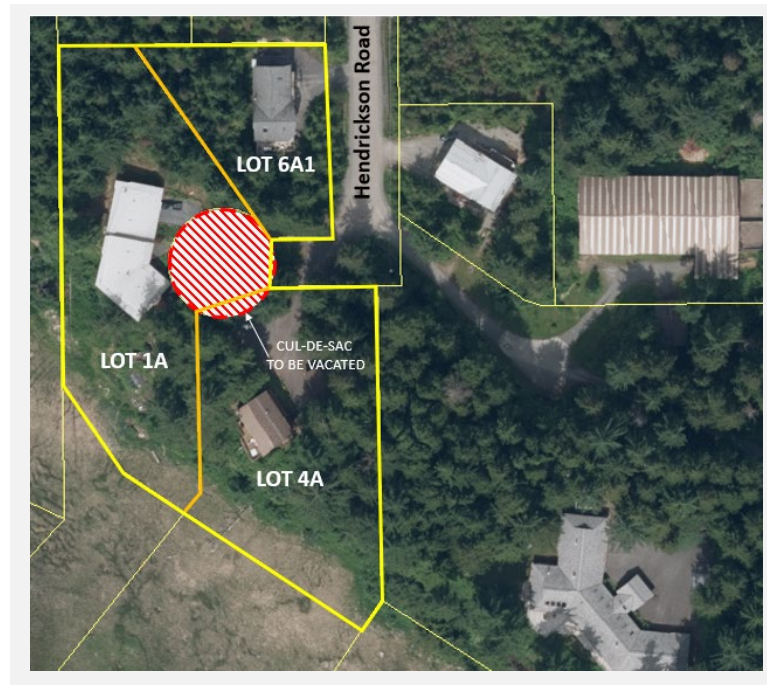
- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.15.404
 - CBJ 49.25.240(2)
 - CBJ 49.25.400
 - CBJ 49.35
 - CBJ 49.80

GENERAL INFORMATION	
Property Owner	Francis J Rue III
Applicant	Francis J Rue III
Property Address	7081 Hendrickson Rd; 7083 Hendrickson Rd.; 7086 Hendrickson Rd.
Legal Description	SHERRY LT 4; SHERRY LT 1; Sunny Point Block 2 Lot 6A
Parcel Number	5B1401030102; 5B1401030092; 5B1401030080
Zoning	D5
Land Use Designation	Single Family Dwelling
Lot Size	35,645 square feet/.82 acres; 37,194 square feet/.85 acres; 16,552 square feet/.38 acres
Water/Sewer	CBJ water and sewer provide
Access	Hendrickson Road
Existing Land Use	Residence
Associated Applications	MIP2024-0003

The Commission shall hear and decide the case per CBJ 49.15.404(a) Public way vacations. This section applies to petitions to vacate any portion of an existing public way, public easement, or any other area dedicated to the public. This section does not apply to property owned by the City and Borough in its proprietary capacity.

And per CBJ 49.15.404(d)(6) - The commission shall consider requests to vacate public ways after public hearing. The commission shall presume that all public ways and similar public areas are of value and of benefit to the public. The petitioner has the burden to prove otherwise.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D5)	Single Family Residence
South (D5)	Vacant
East (D5)	Single Family Residence
West (D5)	Single Family Residence

SITE FEATURES

Anadromous	N/A
Flood Zone	Per Panel 02110C1531D eff. 8/19/2013, Zone VE at 26 feet elevation is present on site.
Hazard	N/A
Hillside	N/A
Wetlands	Lots are adjacent to Mendenhall Wetland State Game Refuge.
Parking District	N/A
Historic District	N/A
Overlay Districts	Mining and Exploration Surface Activities Exclusion District

BACKGROUND INFORMATION

Project Description – The Applicant, owner of Lot 1, would like to vacate the cul-de-sac at the end of Hendrickson Road, which is an unmaintained CBJ public right-of-way (ROW).

In 1977, the owner was granted a variance for a zero front yard setback. The structure is within eight (8) feet of the cul-de-sac.

The property owner of Lot 1 is the only dwelling that gains access via the cul-de-sac. The vacation of the cul-de-sac would add an additional 5,588 square feet of property to Lot 1 and bring the property into conformance by providing adequate land to accommodate the required front yard setback. Regardless of the street vacation, the structure is compliant with the land use code as the variance granted a zero foot front yard setback.

Lot 4 would gain an additional 500 square feet as a portion of the cul-de-sac would be vacated and the line between two markers would become straight (**See Attachment B**).

Background – The table below summarizes relevant history for the lot and proposed development.

Item	Summary
Plat 2016-37	2016 plat showing the 1932 meander line as a surveyed plat line. (Attachment H)
Plat 2016-5	2015 plat showing the 1932 meander line per USS 2125. (Attachment G)
Zoning Map (2006)	2006 Zoning map maintains the D5 zoning.
Plat 91-32	1991 Plat adjusting the lot line between Lot 5A(Lot 1A) and Lot 6A which brought the lots into their current configuration. (Attachment F)
Zoning Map (1987)	1987 Zoning map designating area as D5 zoning.
Building Permit Number: 11095	1977 Building permit for new single-family dwelling. Zero front yard setback approved per Building Permit 11095, June 13, 1977. (Attachment J)
Sunny Point Subdivision USS 2125	1961 Subdivision plat of Sunny Point, Blocks 1 & 2. (Attachment I)

ANALYSIS

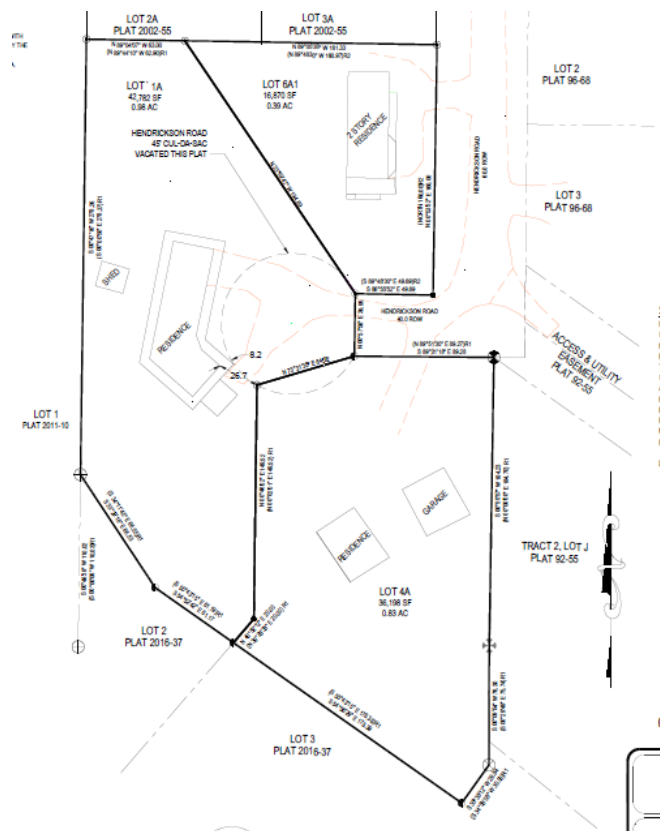
Project Site and Design – Located at 7083 Hendrickson Road, Sherry Lot 1 is the only dwelling served by the cul-de-sac right-of-way (ROW) owned by CBJ. In 1977, the single-family dwelling was granted a variance for a zero foot front yard setback and sited in this location due to the available buildable area on the lot. The elimination of the cul-de-sac will provide an additional 553 square feet for Sherry Lot 4, Sherry Lot 1 will gain an additional 5,588 square feet, and Sunny Point Block 2 Lot 6A will gain an additional 5 square feet.

Condition: N/A

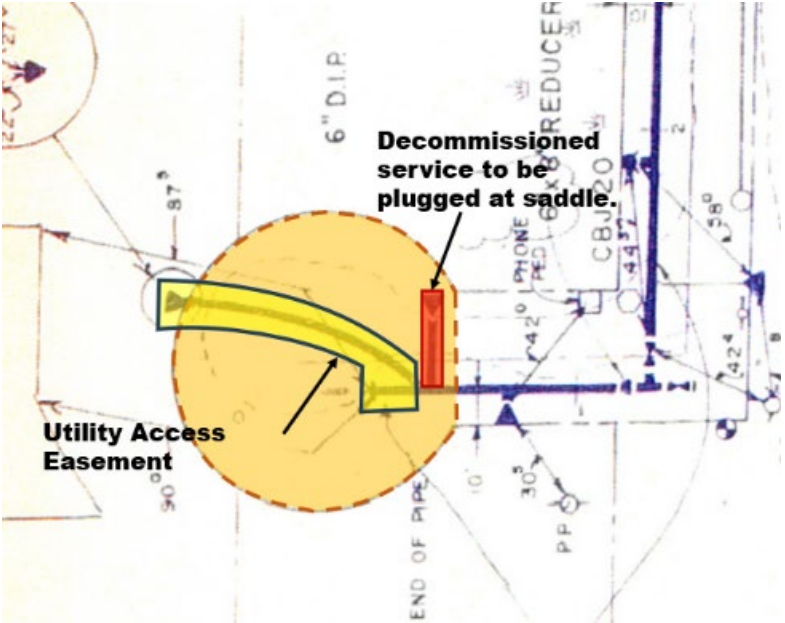
Land Use Code – Vacating the cul-de-sac at the end of Hendrickson Road will not cause conflicts with Title 49. This vacation increases conformance with Title 49 by increasing amount to land to provide for the required front yard setback.

The cul-de-sac line is considered the front lot line for the lot [CBJ 49.25.240(2)]. The structure is 8.2 feet from the cul-de-sac ROW line. Elimination of the cul-de-sac results in a front yard setback from the front lot line of approximately 80 feet. Minimum front yard setback in the D5 zone is 20 feet.

Condition: N/A



Public Utilities and Services – Sherry Lot 1 is the only dwelling being served by public water and sewer service within the cul-de-sac. CBJ General Engineering agreed that a CBJ Access and Utility Easement will be included on the approved preliminary plat that would provide access to the existing water, sewer and an existing clean-out in the cul-de-sac.



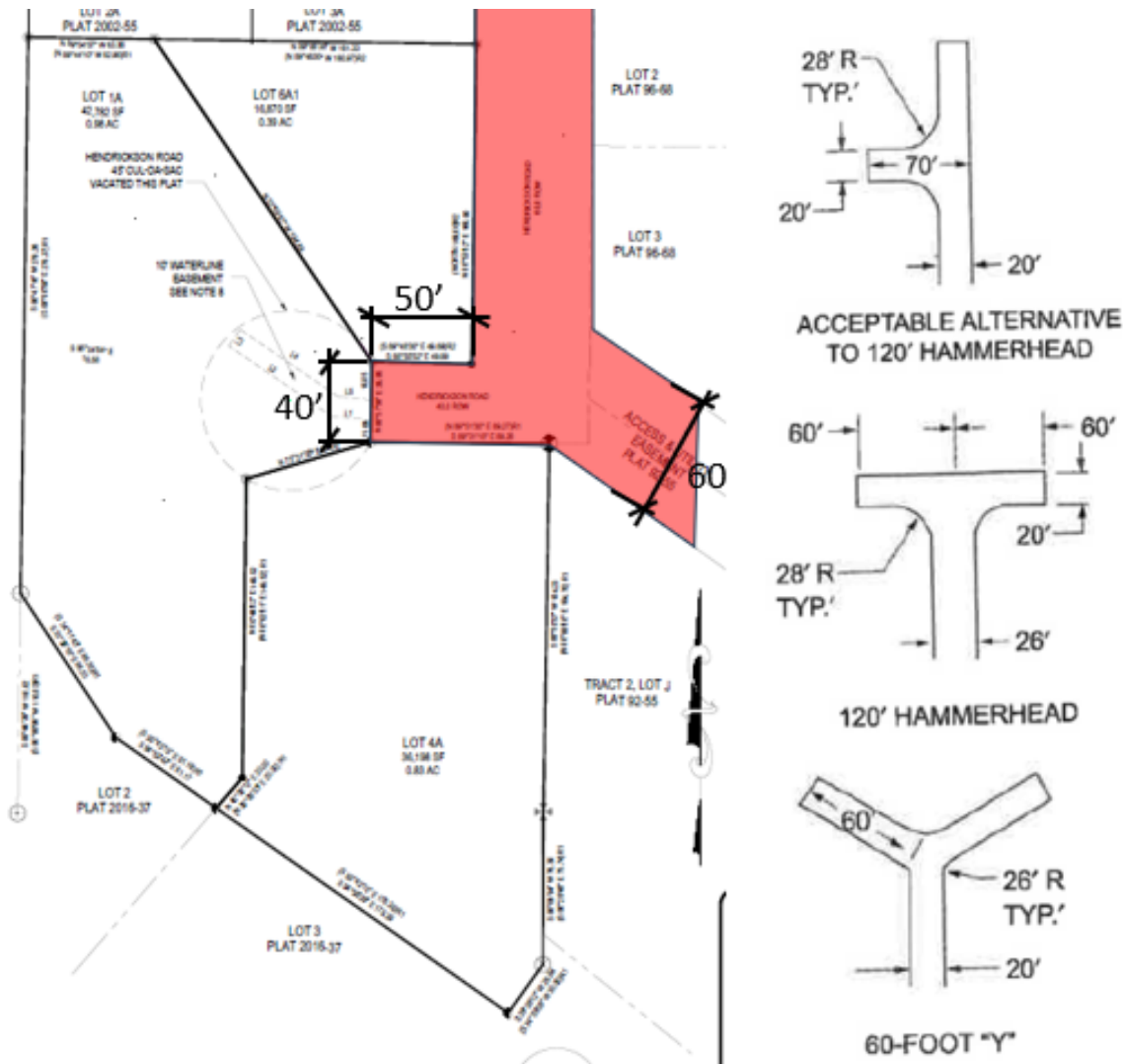
There is an additional service that does not serve any lot. The owner of Sherry Lot 1 will decommission the water services by removing the stub and plugging the connection at the saddle.

Condition 1: Prior to approval of the ROW vacation, a 20-foot utility easement accommodating CBJ access to Sherry Lot 1 utilities must be shown on the preliminary plat and language must be approved by CBJ General Engineering.

Condition 2: Prior to approval of the ROW vacation, the owner of Sherry Lot 1 must either decommission the water services by removing the stub and plugging the connection at the saddle or provide documentation or financial guarantee in the form of a bond or other surety to Community Development that work was completed.

Service	Summary
Drainage	Cul-de-sac vacation does not negatively impact drainage on the Sherry Lot 1 or neighboring lots. CBJ E&PW has not expressed any concerns with drainage.
Snow Storage	Hendrickson Road is not a CBJ adopted ROW and does not manage the snow during the winter. It is not anticipated that the current snow storage plan will be negatively impacted by the vacation of the cul-de-sac.
Public Water	A water service stub that does not serve Sherry Lot 1 will be decommissioned by removing the stub and plugging the connection at the saddle.
Pubic Sewer	It is not anticipated that wastewater services will not be affected by the cul-de-sac vacation.
Emergency Service Access	In lieu of the cul-de-sac providing emergency turn-around access at the end of Hendrickson Road, an existing Access and Utility easement on 1080 Hendrickson Road will provide a Hammerhead type turn-

Service	Summary
	around for emergency services. See graphic showing existing approved turn around configurations below. (Attachment K)

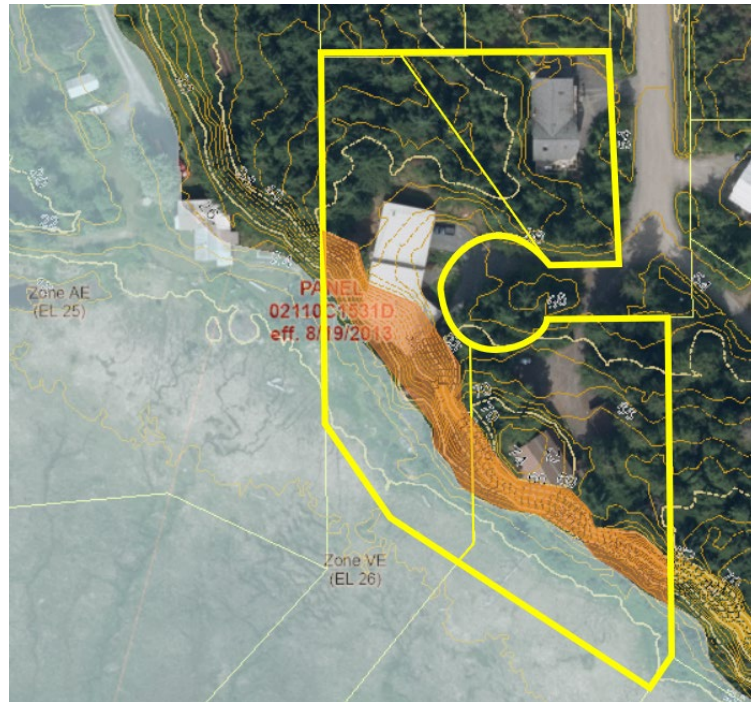


Access – The elimination of the cul-de-sac portion of the ROW will not negatively impact other lots along Hendrickson Road.

Condition: N/A

Environmental Conservation – FEMA flood zones AE and VE are present on Lot 1A and Lot 4A. Per panel 02110C1531D effective 8/19/2013, the AE flood zone has an elevation of 25 feet, whereas the VE flood zone has an elevation of 26 feet. Topography indicates the dwellings are situated 24 feet above the flood elevation on a ridge.

Condition: N/A



Resource	Summary
Conservation Areas	N/A
Wetlands	FEMA flood zones AE and VE are present the property. Dwellings are situated 24 feet above the flood elevation on a ridge.
Anadromous	N/A
Impaired Waterbodies	N/A
Historic	N/A
Comprehensive Plan Stream Corridor	N/A
Comprehensive Plan View sheds	N/A
RS2477 Right-of-way	N/A

Hazard Zones – N/A

Public Health, Safety, and Welfare – Emergency services and utilities are discussed under “Public Utilities and Services,” above.

Condition: N/A

Property Value or Neighborhood Harmony – N/A

Condition: N/A

AGENCY REVIEW

CDD conducted an agency review comment period between February 29, 2024 and March 14, 2024.

Per 49.15.404(d)(3), the director of Engineering & Public Works shall review the application and present written comments, including any recommended conditions of approval.

Engineering & Public Works - The General Engineering division has no objections to the proposed Hendrikson Road ROW vacation. (**Attachment L**)

CCFR - has no issue with vacating the subject ROW. CCFR concurred that the ROW vacation will not cause fire code issues, and that CCFR is not aware of any need to retain the subject ROW for the future.

Lands & Resources - did not express concerns related to its own department.

Streets Division - has no issue with vacating the subject ROW. There is no current or anticipated use of the ROW.

PUBLIC COMMENTS

CDD conducted a public comment period between May 20, 2024, and June 3, 2024. Public notice was mailed to property 500 feet of the properties vacating the cul-de-sac. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. No Public comments were submitted at the time of writing this staff report.

FINDINGS

Public Way Vacation Criteria - Per CBJ 49.15.404 (d)(5), the Director makes the following findings on the proposed public right of way vacation.

1. *Is the area proposed to be vacated a right-of-way acquired under the former 43 U.S.C. 932 (RS 2477 right-of-way)?*

Analysis: This is a private owner attempting to vacate a portion of an unused ROW that is within eight (8) feet of the dwelling unit and not a provision of the Mining Act of 1866.

Finding: **No.** The area is not a right-of-way acquired under the former 43 U.S.C 932.

2. *Is there any current or anticipated future public purpose to retain the area proposed to be vacated?*

Analysis: It is not anticipated that this cul-de-sac would need to be utilized for future public purpose.

Finding: **No.** There are no adopted plans that indicate that the public way should be retained for future public purpose.

3. Will the proposed vacation have a detrimental effect on the adjacent property or on the neighborhood?

Analysis: The effect of vacating the cul-de-sac on neighboring properties will result in an additional 553 square feet for Sherry Lot 4, Sherry Lot 1 will gain an additional 5,588 square feet, and Sunny Point Block 2 Lot 6A will gain an additional 5 square feet.

Finding: No. There is no evidence that the proposed public way vacation will have a detrimental effect on adjacent property or on the neighborhood.

4. Is the proposed public way vacation in the best interest of the public?

Analysis: There is no anticipated impact on the public as a result of vacating the cul-de-sac.

Finding: Yes. The proposed public way vacation is in the best interest of the public by eliminating a potentially hazardous nonconforming situation where a public right-of-way is located just feet from the front door of a residence.

In accordance with CBJ 49.15.404(d)(5), the director makes the following findings on how the public way should be vacated:

5. Does the title to the public area vacated on a plat attach to the lot or land bordering the area in equal proportions? If the public area was originally dedicated by different persons, original boundary lines shall be adhered to so that the portion of the public area that lies on each side of the boundary line shall attach to the abutting property on each respective side. The portion of a vacated public area that lies inside the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the City and Borough. If the property vacated is a lot, title vests in the rightful owner.

Analysis: The cul-de-sac area is directly in front of the lot that will be acquiring it. The cul-de-sac has been owned by CBJ.

Finding: Yes. Five (5) feet will be dedicated to Sunny Point Lot 6A, 553 square feet will be dedicated to Sherry Lot 4, and Sherry Lot 1 will gain an additional 5,588 square feet.

6. Did the City and Borough acquire the vacated area for legal consideration, or by express dedication to and acceptance by the City and Borough other than as a subdivision platting requirement? If yes, then before final vacation the fair market value of the vacated area shall be deposited with the platting authority to be transferred to the City and Borough upon final vacation as required by CBJ 53.09.600.

Analysis: The cul-de-sac was originally platted as a public ROW, per Sunny Point Subdivision USS 2125 platted in 1961.

Finding: No. The cul-de-sac to be vacated was originally platted as a public ROW.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend **APPROVAL WITH CONDITIONS** to the Assembly for the requested public way vacation. The permit would allow the vacation of a 6,141 square foot cul-de-sac. If the Assembly approves the proposed public way vacation, the applicant may apply for a subdivision to vacate the public way. The approval is subject to the following conditions:

Condition 1: Prior to approval of the ROW vacation, a 20-foot utility easement accommodating CBJ access to Sherry Lot 1 utilities must be shown on the preliminary plat and language must be approved by CBJ General Engineering.

Condition 2: Prior to approval of the ROW vacation, the owner of Sherry Lot 1 must either decommission the water services by removing the stub and plugging the connection at the saddle or provide documentation or financial guarantee in the form of a bond or other surety to Community Development that work was completed.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Vacation Plat for MIP2024-0003
Attachment C	Site As-built drawing
Attachment D	Agency Review Comments
Attachment E	Abutters notice
Attachment F	Plat 91-32
Attachment G	Plat 2016-5
Attachment H	Plat 2016-37
Attachment I	Sunny Point Subdivision USS 2125
Attachment J	1977 - Building Permit
Attachment K	Plat 92-55
Attachment L	Director of General Engineering Hendrikson ROW Vacation Memo



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

Case name

Case Number: PAC2023 0015
Applicant: Francis J. III and Sarah J. Rue
Property Owner: Francis J. III and Sarah J. Rue
Property Address: 7083 Hendrickson Rd. Juneau, AK. 99801
Parcel Code Number: 5B1401030092
Site Size: 37,194 square feet; .85 acres
Zoning: D5 – Single Family/Duplex
Existing Land Use: Residence

Conference Date:	15 June 2023
Report Issued:	(Insert Today's Date)
DISCLAIMER: <i>Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.</i>	

List of Attendees

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

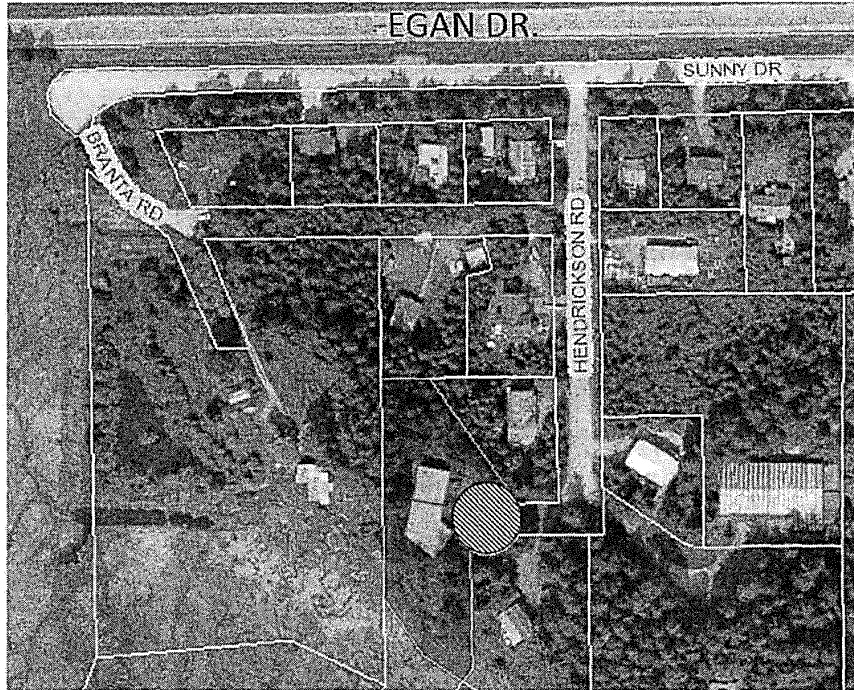
Name	Title	Email address
Francis J. III and Sarah J. Rue	Applicant	frankrue44@gmail.com
David Matthew Peterson, Planner II	Planning	david.peterson@juneau.gov
	Building	xxx.xxx@juneau.gov
	General Engineering	xxx.xxx@juneau.gov

Conference Summary

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

Project Overview

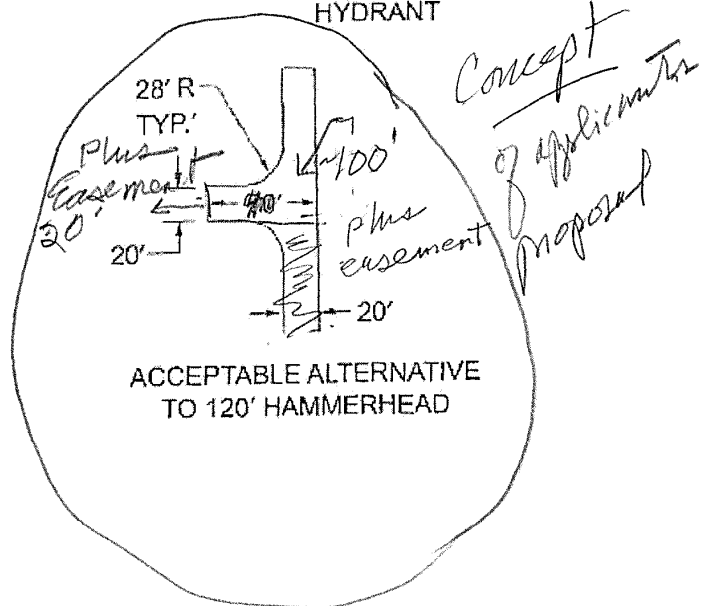
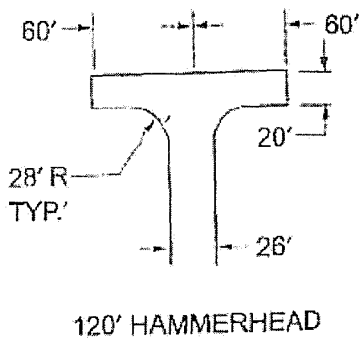
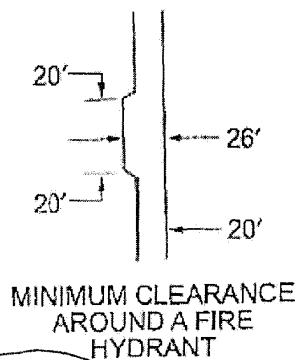
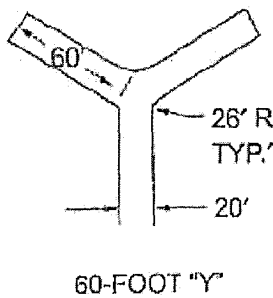
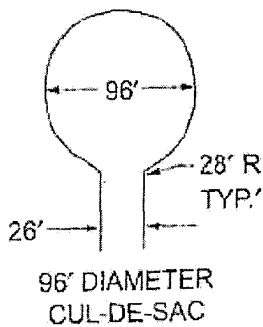
Applicant is proposing a Right of Way vacation of the cul-de-sac portion of Hendrickson Road (a CBJ local street) of the Sherry Lane Subdivision. The cul-de-sac comes within three feet of the front of the home.



Planning Division

1. **Zoning** – D5 Single Family/Duplex. Min Lot Size – 7,000sf. Lot is currently 37,194sf.
2. **Setbacks** – Front (east)-20ft ; Side (north/south) – 5' ; Rear (west) – 20ft
3. **Height** – 35ft Permissible; 25ft Conditional. (Ref: 49.25.420)
4. **Access** – Subject property has access to Hendrickson Road.
5. **Parking & Circulation**– Single family/duplex – 2 spaces per dwelling unit. (Ref: 49.40.210).
 - a. All neighbors affected by the existing cul-de-sac and proposed new turnaround, will need to sign off on the new configuration.
 - b. All neighbors will need to maintain their direct and practical access to Hendrickson Road.
 - c. Alternative turnaround will need to be platted.
 - d. Vacated land will need to be divided so all parties agree and maintain access.

Pre-Application Conference Final Report



- 6. Lot Coverage – Permissible & Conditional – 50%
- 7. Vegetative Coverage – 20%
- 8. Lighting – N/A
- 9. Noise – N/A

Pre-Application Conference Final Report

10. **Flood** – Per panel 02110C1531D eff. 8/19/2013, Zone VE at 26ft elevation is present on the site.
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** –
12. **Wetlands** – Subject property abuts the Mendenhall wetland area.
13. **Habitat** – (Eagle – remind applicant to check with Feds; Riparian, etc.) – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions** – N/A
15. **Traffic** – N/A
16. **Nonconforming situations** – (a Nonconforming certificate is required prior to the issuance of a building permit or land use permit)

Building Division

17. **Building** –
18. **Outstanding Permits** –

General Engineering/Public Works

19. **Engineering** –
20. **Drainage** –
21. **Utilities** – (water, power, sewer, etc.)

Fire Marshal

22. **Fire Items/Access** –

Other Applicable Agency Review

23. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...
- 24.

List of required applications

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

1. Development Permit Application (DPA)
2. Street Vacation Application (STV)
3. Subdivision Application

Additional Submittal Requirements

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

1. A copy of this pre-application conference report.
2. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

Exceptions to Submittal Requirements

Pre-Application Conference Final Report

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

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee Estimates

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

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

1. Subdivision creating no additional lots, \$110 plus \$25 for each lot changed.
2. Property Taxes for each lot being modified will be required to pay the balance of taxes for the calendar year prior to the final plat being recorded.
3. Any improvements required will need to be bonded prior to the recording of the final plat.

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

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov

OR in person with payment made to:

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

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

Attachments:

- 49.70 Article IV – if in a flood zone
- 49.15.330 – if a Conditional Use Permit



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

PROPERTY LOCATION	
Physical Address 7083 Hendrickson Rd, 7081 Hendrickson Rd, 7086 Hendrickson Rd	
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SHERRY LT 1, SHERRY LT 4, SUNNY POINT BL 2 LT 6A	
Parcel Number(s) 5B1401030092, 5B1401030102, 5B1401030080	
<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____	
LANDOWNER/ LESSEE	
Property Owner Francis J Rue III, DAVID COOGAN, PATTY MOSER	Contact Person FRANK RUE
Mailing Address 7083 Hendrickson Rd, JUNEAU AK 99801	Phone Number(s) 907-209-9920
E-mail Address Frankrue44@gmail.com	
LANDOWNER/ LESSEE CONSENT	
Required for Planning Permits, not needed on Building/ Engineering Permits.	
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:	
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.	
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.	
<div style="display: flex; justify-content: space-between;"> <div> <u>David Coogan</u> Landowner/Lessee (Printed Name) </div> <div> <u>Landowner</u> Title (e.g.: Landowner, Lessee) </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <u>[Signature]</u> Landowner/Lessee (Signature) </div> <div> <u>2-06-2024</u> Date </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <u>Francis J. Rue III</u> Landowner/Lessee (Printed Name) </div> <div> <u>Landowner</u> Title (e.g.: Landowner, Lessee) </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <u>Francis J. Rue</u> Landowner/Lessee (Signature) </div> <div> <u>2/5/2024</u> Date </div> </div>	
<p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.</p>	
APPLICANT	
If same as LANDOWNER, write "SAME"	
Applicant (Printed Name) Francis J Rue III	Contact Person
Mailing Address 7083 Hendrickson Rd, JUNEAU AK 99801	Phone Number(s) 907-209-9920
E-mail Address Frankrue44@gmail.com, CHILKAT.SURVEYING@GMAIL.COM	
<u>Francis J. Rue</u> Applicant's Signature	<u>1/11/2024</u> Date of Application

To be completed by Applicant

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

STV24-001	Intake Initials <u>[Signature]</u>
Case Number MIP24-003	Date Received 2/22/2024

Updated 6/2022—Page 1 of 1



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION	
	Physical Address <u>7083 Hendrickson Rd, 7081 Hendrickson Rd, 7086 Hendrickson Rd</u>	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Sherry lot 1, Sherry lot 4, Sunny Point Bl 2, lot 6A</u>	
	Parcel Number(s) <u>5B1401030092, 5B1401030102, 5B1401030080</u>	
	<input type="checkbox"/> This property is located in the downtown historic district	
	<input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____	
	LANDOWNER/ LESSEE	
	Property Owner <u>Sarah J Rue</u>	Contact Person <u>Frank Rue</u>
	Mailing Address <u>7083 Hendrickson Rd, Juneau, AK 99801</u>	Phone Number(s) <u>907-209-9920</u>
	E-mail Address <u>frankrue44@gmail.com</u>	
LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits.		
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.		
<u>Sarah J. Rue</u> Landowner/Lessee (Printed Name)		
<u>Landowner</u> Title (e.g.: Landowner, Lessee)		
X	<u>[Signature]</u> Landowner/Lessee (Signature)	
	<u>2/7/24</u> Date	
Landowner/Lessee (Printed Name)		
Title (e.g.: Landowner, Lessee)		
X	Landowner/Lessee (Signature)	
	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.		
APPLICANT		
If same as LANDOWNER, write "SAME"		
Applicant (Printed Name) <u>Francis J Rue</u>	Contact Person <u>Same</u>	
Mailing Address <u>7083 Hendrickson Rd, Juneau AK 99801</u>	Phone Number(s) <u>907-209-9920</u>	
E-mail Address <u>frankrue44@gmail.com</u>		
X	<u>Francis J. Rue</u> Applicant's Signature	
	<u>2/7/2024</u> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>STV24-001</u>	Intake Initials <u>TC</u>
Case Number <u>MIP24-003</u>	Date Received <u>2/27/2024</u>

Updated 6/2022- Page 1 of 1



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

PROPERTY LOCATION	
Physical Address 7083 Hendrickson Rd, 7081 Hendrickson Rd, 7086 Hendrickson Rd	
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SHERRY LT 1, SHERRY LT 4, SUNNY POINT BL 2 LT 6A	
Parcel Number(s) 5B1401030092, 5B1401030102, 5B1401030080	
<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____	
LANDOWNER/ LESSEE	
Property Owner Francis J Rue III, DAVID COOGAN, PATTY MOSER	Contact Person FRANK RUE
Mailing Address 7083 Hendrickson Rd, JUNEAU AK 99801	Phone Number(s) 907-209-9920
E-mail Address Frankrue44@gmail.com	
LANDOWNER/ LESSEE CONSENT	
Required for Planning Permits, not needed on Building/ Engineering Permits.	
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.	
Patricia D Moser Land owner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)	
x Patricia Moser	2-5-2024
Landowner/Lessee (Signature)	Date
Francis J. Rue III landowner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)	
x Francis J. Rue	2/5/2024
Landowner/Lessee (Signature)	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.	
APPLICANT	
If same as LANDOWNER, write "SAME"	
Applicant (Printed Name) Francis J Rue III	Contact Person
Mailing Address 7083 Hendrickson Rd, JUNEAU AK 99801	Phone Number(s) 907-209-9920
E-mail Address Frankrue44@gmail.com, CHILKAT.SURVEYING@GMAIL.COM	
x Francis J. Rue	1/11/2024
Applicant's Signature	Date of Application

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Intake Initials
5TV24-001	fl
mip 24-003	Date Received
	2/22/2024

Updated 6/2022- Page 1 of 1



SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY
Sherry Subdivision II

zoned DS

Number of Existing Parcels 3 Total Land Area 2.20 acres Number of Resulting Parcels 3

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS
☒ NO ☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR DEVELOPMENT
(changing or creating 13 or fewer lots)
☒ Preliminary Plat (MIP)
☐ Final Plat (MIF)
☐ Panhandle Subdivision
☐ Accretion Survey
☐ Boundary Adjustment
☐ Lot Consolidation (SLC)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☒ Other Right-of-way vacation Planning Commission

MAJOR DEVELOPMENT
(changing or creating 14 or more lots)
☐ Preliminary Plat (SMP)
☐ Final Plat (SMF)
☐ Preliminary Development Plan – PUD (PDP)
☐ Final Development Plan – PUD (PDF) Preliminary
☐ Development Plan – ARS (ARP) Final
☐ Development Plan – ARS (ARF)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED
☒ Pre-application conference notes
☒ Narrative including:

- ☒ Legal description(s) of property to be subdivided
- ☒ Existing structures on the land
- ☒ Zoning district
- ☒ Density
- ☐ Access
- ☒ Current and proposed use of any structures
- ☐ Utilities available
- ☒ Unique characteristics of the land or structure(s) Bluff (see project description)

☒ Preliminary Plat checklist

DEPARTMENT USE ONLY BELOW THIS LINE

3 lots / none add'l

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>195.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ <u>195.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

I:\FORMS\PLANFORM\Subdivision Application.docx

Case Number	Date Received
MIP24-003	2/22/2024

Revised October 2019 - Page 1 of 1



STREET VACATION APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Vacate cul-de-sac at the end at the termination Hendrickson road. Currntly the right-of-way is 8' from the edge of right of way.

NAME OF RIGHT-OF-WAY TO BE VACATED: Hendrickson road

Dimensions of right-of-way to be vacated

Width _____ feet

Length _____ feet

Total Area 6412 square feet

Total length of parcel lot lines fronting the right-of-way 39.95 feet

ALL REQUIRED MATERIALS ATTACHED

- ☐ Complete application per CBJ 49.15.404
- ☒ Pre-Application Conference notes (if applicable)
 - ☐ Other submittals determined during the pre-application meeting
- ☒ Narrative including:
 - ☐ Reasons for the street vacation
 - ☐ Existing use of the subject right-of-way
 - ☐ Proposed use of the subject right-of-way
 - ☐ How the proposed vacation is an the best interest of the public
 - ☐ How the proposed vacation will not negatively affect adjacent property or the neighborhood
- ☐ Signed petition
- ☒ Sketch plat (see CBJ 49.15.410)

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

SUBDIVISION/PLATTING FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1500.00</u>	_____	_____	_____
Pub. Not. Sign Fee	\$ <u>50.00</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100.00</u>	_____	_____	_____
Total Fee	\$ <u>1650.00</u>	_____	_____	_____

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<u>STV24001</u>	<u>2/22/2024</u>

Street Vacation Application Information

Public way vacations are outlined in CBJ 45.15.404

Pre-Application Conference: A pre-application conference is highly recommended prior to submitting an application. The applicant will meet with City & Borough of Juneau (CBJ) staff to discuss the proposed development and the permit procedure. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at Permits@juneau.org.

Application: An application for a Street Vacation Permit will not be accepted by the Community Development Department (CDD) until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Street Vacation Application, Petition, and Development Permit Application forms.
 - a. The Petition must be signed by the owners of the land fronting the portion of the street sought to be vacated. This petition is attached to the application.
2. **Fees:** The fee for a Street Vacation Application is \$500.00. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project including items described on the previous page.
4. **Additional Items:** Each application packet must also include:
 - a. A copy of the existing plat showing the proposed alteration and changes in lot lines.

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department (CDD) will initiate the review and scheduling of the application. This process includes:

Review: The Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request, the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Street Vacation Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Street Vacation permitting process, all permit requests must be given proper public notice as outlined in CBJ 49.15.230 which consists of the following:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the Department will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

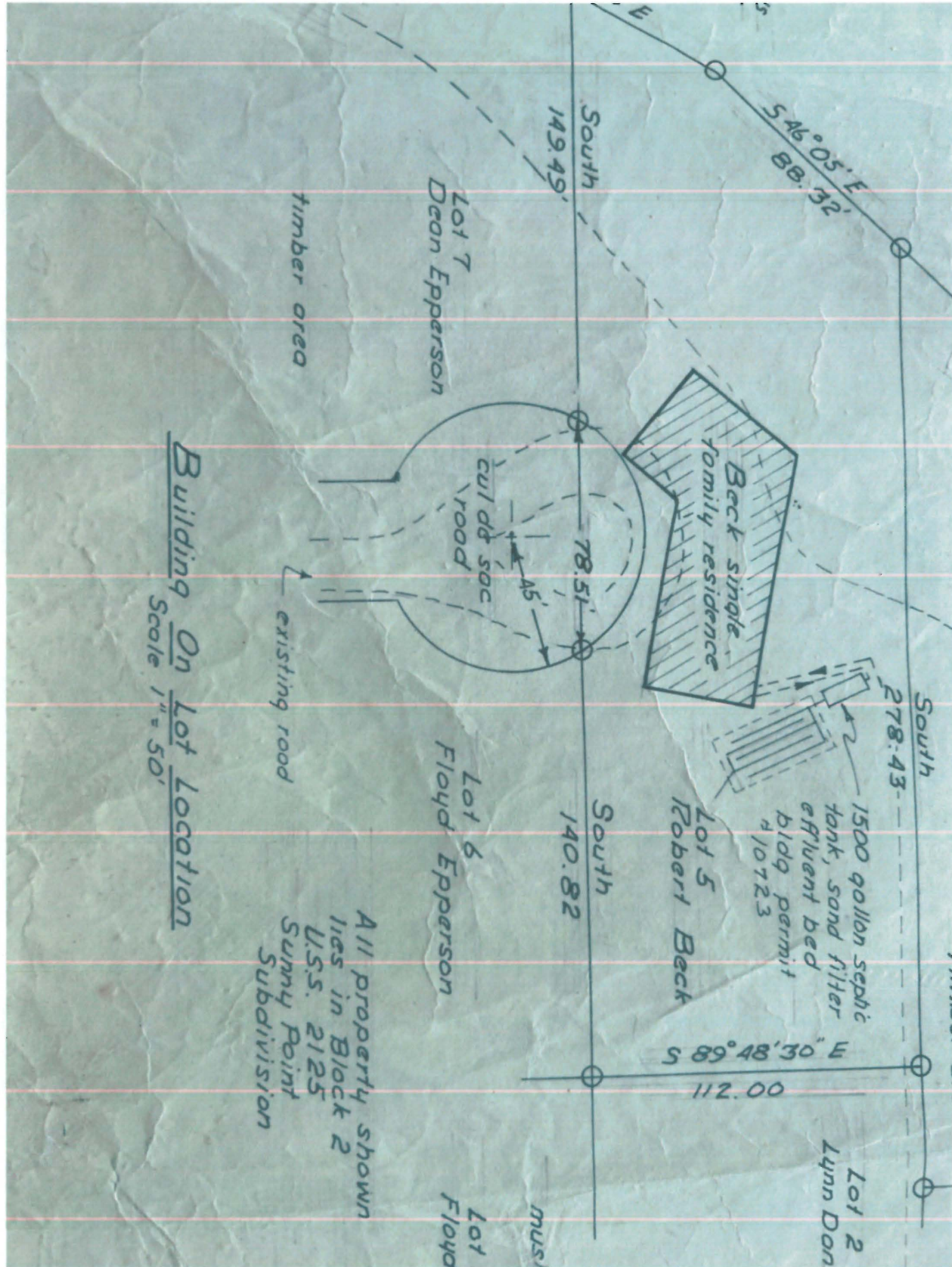
After the Public Hearing:

Approval by the Planning Commission does not vacate a street. Information on how to finalize a street vacation will be included on an approved Notice of Decision.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

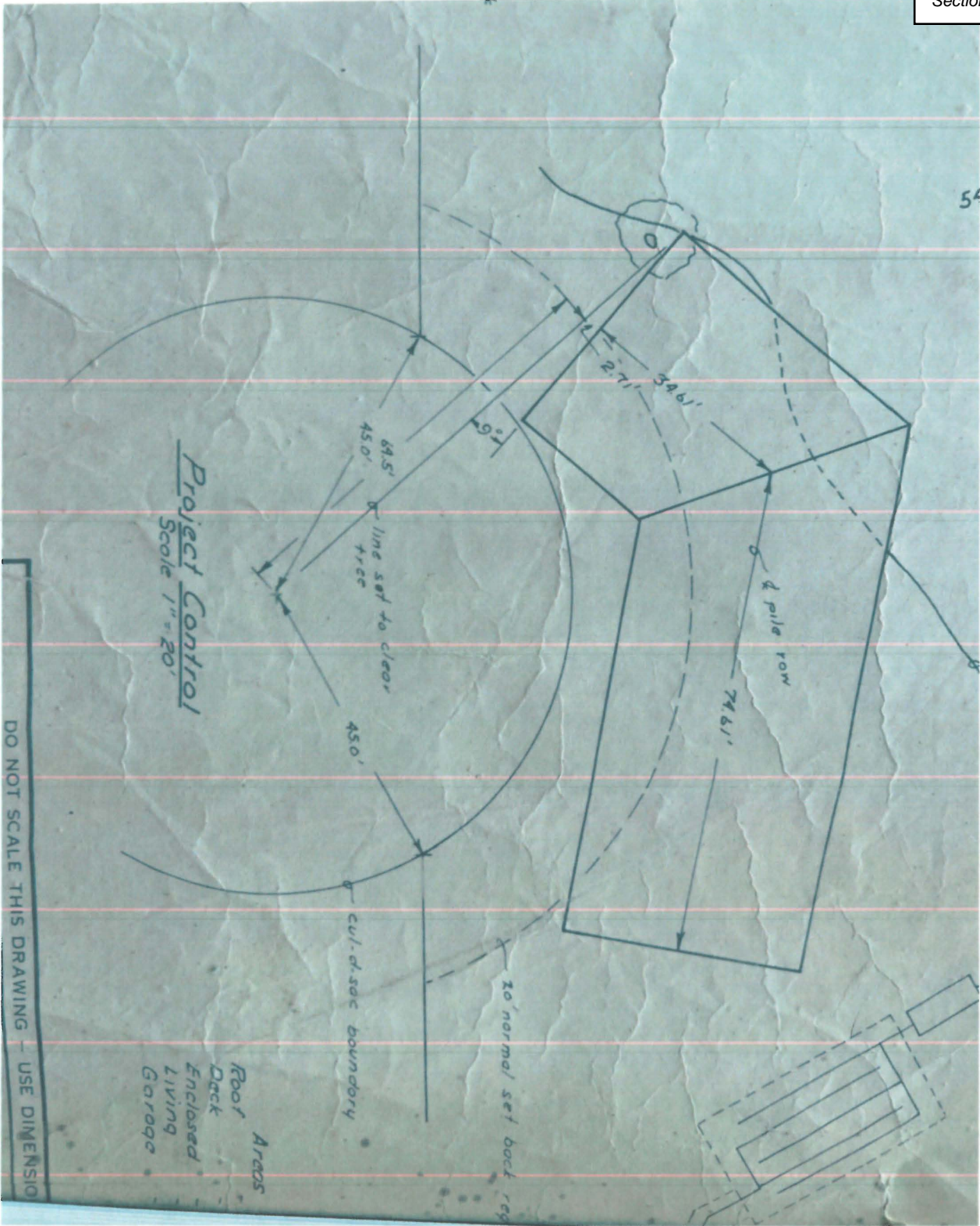


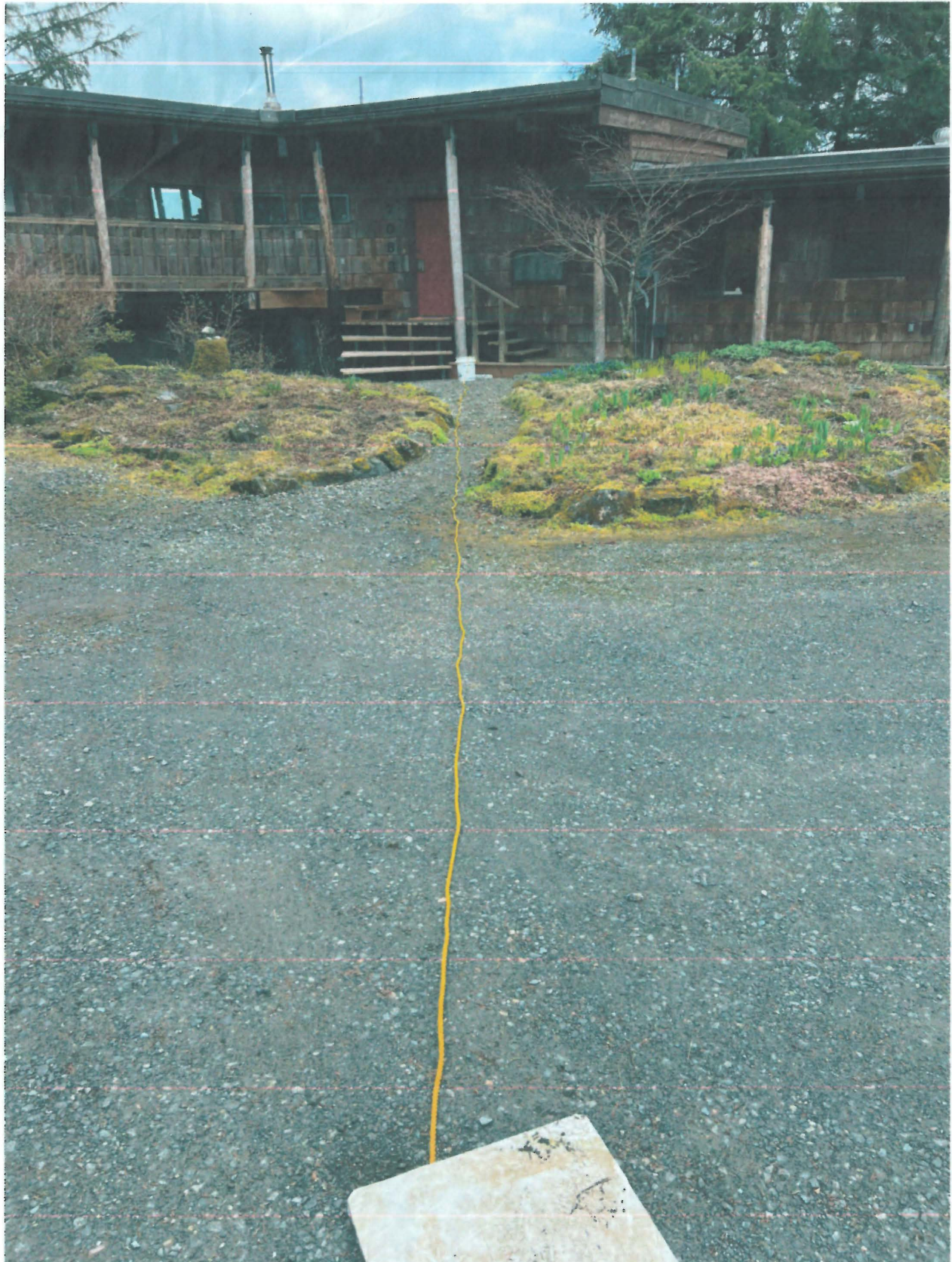




Building On Lot Location
Scale 1" = 50'

All property shown
lies in Block 2
U.S.S. 2125
Sunny Point
Subdivision







Frank Rue <frankrue44@gmail.com>

request for preapplication conference

5 messages

Frank Rue <frankrue44@gmail.com>

Mon, May 8, 2023 at 12:45 PM

To: Jennifer Shields <Jennifer.Shields@juneau.gov>, Permits@juneau.org

Bcc: Frank Rue <frankrue44@gmail.com>

Dear Jennifer,

I am writing to request a pre-application conference regarding the vacation of the Cul-de-Sac portion of the CBJ right-of-way adjacent to my property at 7083 Hendrickson Rd here in Juneau.

My wife Sarah Rue and I are the owners of Lot 1 of Sherry Subdivision.

My concern is that the Cul-de-Sac comes within 3 feet of the front of my house. A variance from the 20 foot front set back was given to the original owner in the early 1970's (50 years ago) when he built the house. The variance was needed because the lot has a cliff on the south side of the property which prevented construction of a home while also meeting the 20 foot setback requirement. Even with the variance, the home has one corner over the cliff with a piling support. (see attached photo 1961) The 1975 attachment shows the house plan, the Cul de Sac in relation to the house, the cliff line, and the normal 20 foot setback.

For the last 50 years neither CBJ nor any of the property owners adjacent to the Cul-de-Sac have needed to develop it to gain access to their property. The Cul-de-Sac has never been used, except as a driveway, front yard, and garden for this home.

Both adjacent lots have already been developed without use of the Cul-de-Sac. And both adjacent properties gain access directly from Hendrickson Rd. I am concerned that if the paper plat remains as is, a sewer replacement and paving project for Hendrickson Rd may get budgeted and ready to go to bid before this issue is resolved. I will then be faced with trying to get the Cul-de-Sac removed as a much needed CBJ project is being put out for bid.

As you can see from the plat, Hendrickson Rd makes a right angle turn and then, after approximately 90 feet (south dimension), a Cul-de-Sac begins. I am requesting that the Cul-de Sac be removed leaving a 90 foot long approximately 45 foot wide L shaped end to Hendrickson Rd. (see 1961 attachment)

No utilities would need to be moved. The existing fire hydrant and underground power line junction box are located on Hendrickson Rd before the right turn, and at the beginning of the L respectively. Underground water, sewer and power go up the Hendrickson Rd L and then under the driveway of our home.

Only Lots 1 and 4 of Sherry Subdivision would see any measurable change.

Lot 1 would see the area of the 45 foot diameter Cul-de-Sac become part of Lot 1. The elliptical boundary of the Cul-de-Sac separating Lots 1 and 4 would become a straight line and Lot 4 would gain the additional square footage.

Lot 6A, which forms the north east boundary to my lot, would have the approximately 10 foot curvilinear line between the two monuments defining the beginning of the Cul-de-Sac, become a straight line. Lot 6A would become slightly larger.

The two monuments that define the proposed end of the Hendrickson L right-of-way and beginning of the Cul-de-Sac are both visible and easily found in the field. The second monument between Lot 1 and Lot 6A is also visible and easily found in the field. The second monument depicted on the plat between Lots 1 and 4 of Sherry subdivision might need to be relocated. Moss has covered it.

Both of the adjacent property owners are in conceptual agreement with this request. Please let me know if this information is adequate for a pre-application conference.



Frank Rue <frankrue44@gmail.com>

7083 Hendrickson Road

Jennifer Shields <Jennifer.Shields@juneau.gov>
To: "frankrue44@gmail.com" <frankrue44@gmail.com>

Mon, Mar 13, 2023 at 1:58 PM

Hi Mr. Rue,

Thanks for contacting the Community Development Department today regarding the possible vacation of CBJ right-of-way (cul-de-sac) next to your property located at 7083 Hendrickson Road. This property is zoned D5 (Single-Family & Duplex Residential). Basic Zoning requirements for the D5 Zoning District include the following:

- Lot size: 7,000 square feet for one single-family dwelling; 10,500 square feet for a duplex dwelling.
- **Lot width: 70 feet**
- Front Yard Setback: 20 feet
- Rear Yard Setback: 20 feet
- Side Yard Setbacks: 5 feet
- Shoreline Setbacks: 0 feet

The first step in exploring the vacation further is to request a Pre-Application Conference, which is tailored for conducting early in the design process. These meetings provide a high level review of projects, so that we can establish the types of land use permitting that may be involved, and catch any potential issues that could arise during the construction phase. To request a pre-application conference, please email the Permits Center at permits@juneau.org. The following items are needed at the time of request:

- Narrative of the project
- Subdivision plat (see attached)
- **Plans that are relevant to the project – in this case, HOW you are proposing the lots involved to look POST-vacation, including lot widths and lot sizes.**

After a brief evaluation of the narrative and plans, we may request additional information to ensure a productive conference. Pre-application conferences are usually scheduled one week out, at 10:30 a.m. and 1:30 p.m. on Wednesdays.

I hope that this information is helpful. Please let me know if you have any questions.

Take care,

Jennifer L. Shields | Planner II



PRELIMINARY PLAT CHECK LIST

Name of Proposed Subdivision: Sherry Subdivision II

The following items must be included with the initial submittal of a Preliminary Plat:

- ☒ Application, filled out completely Application fee (see fee schedule)
- Project Narrative ☒ Five (5) – 24" by 36" Copies
- ☒ Pre-application Conference Report ☒ Lot Closure Report
- ☒ Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.
- ☒ Preliminary Plat Checklist: I have reviewed the checklist and all submittals for completeness and accuracy.

Joshua Frantz Ivaniszek

Applicant or Surveyor - Signature

10 January 2024

Date

Joshua Frantz Ivaniszek, PLS, CFedS

Applicant or Surveyor - Print Name

GENERAL REQUIREMENTS

- ☒ The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska
- ☒ The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternate sheet sizes
- ☒ The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale approved by the director of engineering and public works
- ☒ The preliminary plat shall be oriented with north toward the top of the sheet.
- ☒ A vicinity map shall be located in the upper right-hand corner of the sheet
- ☒ The vicinity map shall be oriented in the same direction as the plat
- ☒ A suitable north arrow shall be shown for the plat and vicinity map
- ☒ All line work and lettering must be of professional quality, and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion

GRAPHIC REQUIREMENTS - A preliminary plat shall contain the following information:

Title block - An enclosed title block in the lower right-hand corner containing the following information:

- ☒ The proposed name of the subdivision
- ☒ The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number or section, township, and range number, as applicable
- ☒ "City and Borough of Juneau, Alaska"
- ☒ "State Recorder's Office at Anchorage"
- ☒ The date the preliminary plat was prepared and revised
- ☒ The horizontal scale
- ☒ The name and address of the owner of record
- ☒ The name, address, and telephone number of the surveyor preparing the preliminary plat

Preliminary Plat Checklist

Updated 1/2018

Page 2 of 5

Lot, block, and street information:

- * The area of each lot
- * The dimensions in feet and hundredths of a foot
- * An identifying number and letter for lots and blocks
- X Lots numbered consecutively, commencing with the number "1," with no omissions or duplications
- X If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number
- X All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat
- X Abutting properties shall be shown with dashed lines, numbers, and/or letters
- X For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines
 - * The minimum data shown for each curve shall be as follows:
 - Length
 - Central angle
 - Radius
 - Bearing and distance of long chord
- Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots

Boundary lines:

- X All boundary lines of the subdivision with bearings and distances described
- X All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification
- X The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat
- X If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown

Monumentation:

- X The monuments used to establish the basis of bearing
- X Each monument found or set shall be identified on the plat by a symbol
- X A complete description of the monument, including type and all information printed on the cap. A typical drawing shall be shown for each type of monument cap set
- X A legend showing the symbols for all the types of monuments
- The identification, description location, elevation, and datum of the benchmark used to establish vertical control

Site access, circulation, and utilities:

- X The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary
- X Proposed rights-of-way, including their widths and proposed names
 - The grades of existing and proposed streets within these rights-of-way
- X The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary
- X The width, ownership, and use of all proposed easements

Preliminary Plat Checklist

Updated 1/2018

Page 3 of 5

- ✗ All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground
- ✗ Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of way or easements
- ✗ Proposed trails or pathways and widths of their rights-of-way
- ✗ If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted
- ✗ The location of any existing or proposed driveways/curb cuts that access or are proposed to access any existing or proposed street

Topographic information:

For slopes of less than five percent, show one foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions

For slopes between five percent and ten percent, show two foot contour lines

For slopes greater than ten percent, show five foot contour lines

Every fifth elevation contour shall be distinctive and clearly labeled

Dashed lines shall represent existing contours

Mapping shall include any significant features which can materially affect the design of the subdivision, including, but not limited to, structures, fences, walls, and utility poles

If irregular slopes or special features are present, additional contour information may be required by the director of engineering and public works for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:

Pad elevations and drainage patterns for each lot

Tops and toes of all manufactured slopes, including daylight lines

Existing and proposed retaining wall locations and heights

- ✗ For subdivisions located in hillside areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70, Article II Bluff traverses along the southern portion of Lot 4 A and Lot 1A.

Sewer and water:

Existing sewer and water mains within the tract with pipe sizes and grades

A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction No new services required for this project

Multisheet plats:

When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included.

When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:

North arrow

Legend

Surveyor's seal and signature

Title block

Sheet _____ of _____

Scale

All plat notes

Vicinity map

Preliminary Plat Checklist
Updated 1/2018
Page 4 of 5

ADDITIONAL MAPPING OR REPORTS- At the pre-application meeting, it will be determined if any of the following additional mapping or reports are required to be submitted with the preliminary plat. If required, the following additional mapping or reports shall be submitted:

Hazard and Special Habitat Areas:

Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat

- ✕ The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations Wetland delineation not completed at this time.

Soils report:

A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:

Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal

The location and size of drain fields for each lot

The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal

If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed

The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems

Drainage report:

A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:

A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event

How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way

An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem

All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, Article V, and that will be constructed as part of the subdivision

Water:

For subdivisions of five or more lots, including major subdivisions, the following shall be included, where applicable, in accordance with CBJ 49.15.412:

If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.35, Article III, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used

Preliminary Plat Checklist
Updated 1/2018
Page 5 of 5

A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, Article III

A copy of the State application for a permit to appropriate water in the quantity required to meet the subdivisions demands

This does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.

The director for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report and proof of water, and condition the approval of the preliminary plat upon the provision of both documents as part of the final plat application and approval process.

Erosion control:

A report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.

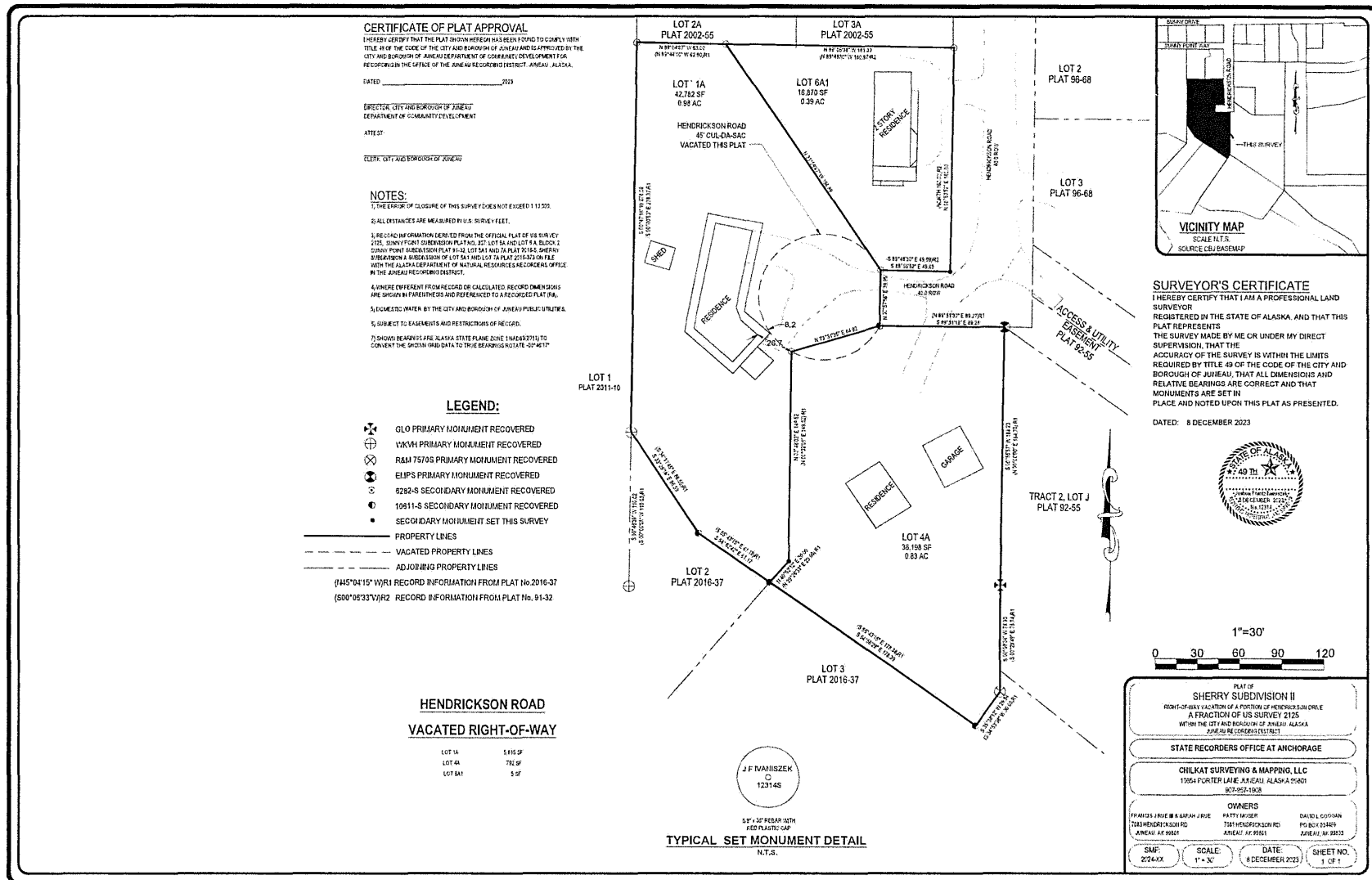
Traffic study:

A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.
No changes to traffic pattern with this project.

Shadow plats:

For subdivisions of five or more lots in transition areas, a shadow plat shall be submitted according to CBJ 49.70.710. The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and the lot size allowed under the transition zoning.

[illegible]



CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, AK 99801
907 957-1908 chilkat.surveying@gmail.com

Date: 10 January 2024

To: **David Peterson**
Community Development Department
City & Borough of Juneau, AK

Subject: Lot closure report VACATION PLAT SHERRY II

LOT 1A

Northing	Easting	Bearing	Distance
2383348.440	2519608.285	N 00°46'02" E	149.520
2383497.947	2519610.287	N 73°31'35" E	64.915
2383516.355	2519672.538	N 00°57'56" E	39.952
2383556.302	2519673.211	N 33°59'47" W	194.890
2383717.880	2519564.239	N 89°04'07" W	63.000
2383718.904	2519501.248	S 00°47'16" W	278.255
2383440.675	2519497.422	S 33°29'18" E	86.533
2383368.506	2519545.168	S 54°52'42" E	61.166
2383333.316	2519595.198	N 40°52'12" E	20.000
2383348.440	2519608.285		

Closure Error Distance> 0.00000
Total Distance> 958.232
Polyline Area: 42782 sq ft, 0.9821 acres

CHILKAT SURVEYING & MAPPING, LLC

CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, AK 99801
907 957-1908 chilkat.surveying@gmail.com

LOT 4A

Northing	Easting	Bearing	Distance
2383348.440	2519608.285		
		N 00°46'02" E	149.520
2383497.947	2519610.287		
		N 73°31'35" E	64.915
2383516.355	2519672.538		
		S 89°31'18" E	89.278
2383515.610	2519761.812		
		S 00°55'57" W	184.234
2383331.400	2519758.813		
		S 00°09'04" W	76.298
2383255.102	2519758.612		
		S 35°38'12" W	29.845
2383230.846	2519741.223		
		N 54°56'29" W	178.392
2383333.316	2519595.198		
		N 40°52'12" E	20.000
2383348.440	2519608.285		

Closure Error Distance> 0.00000
Total Distance> 792.482
Polyline Area: 36198 sq ft, 0.8310 acres

LOT 6A1

Northing	Easting	Bearing	Distance
2383715.355	2519725.399		
		N 89°06'09" W	161.180
2383717.880	2519564.239		
		S 33°59'47" E	194.890
2383556.302	2519673.211		
		S 88°55'52" E	49.690
2383555.375	2519722.892		
		N 00°53'52" E	160.000
2383715.355	2519725.399		

Closure Error Distance> 0.00042 Error Bearing> N 39°32'28" E
Closure Precision> 1 in 1332443.6 Total Distance> 565.760
Polyline Area: 16858 sq ft, 0.3870 acres

Project Narrative

My wife Sarah Rue and I are the owners of Lot 1A of Sherry Subdivision. We are requesting a partial vacation of the Cul-de-Sac portion of the CBJ right-of-way adjacent to my property at 7083 Hendrickson Rd in Juneau.

My concern is that the Cul-de-Sac comes within 3 feet of the front of my house. A variance from the 20-foot front set back was given to the original owner in the early 1970's (approximately 50 years ago) when he built this house. The variance was needed because the lot has a bluff on the south side of the property which prevented construction of a home while also meeting the 20-foot setback requirement.

For the last 50 years neither CBJ, nor any of the property owners adjacent to the Cul-de-Sac, have needed to develop it to gain access to their property. The Cul-de-Sac has never been used, except as a driveway, front yard, and garden for this home.

Both adjacent lots have already been developed without use of the Cul-de-Sac. And both adjacent properties gain access directly from Hendrickson Rd. Further development of all of the lots affected by this partial vacation will occur through the already developed access from Hendrickson Rd.

I am concerned that if the paper plat remains as is, a sewer replacement and paving project for Hendrickson Rd may get budgeted and the CBJ will need to waste money to develop the end of the Cul-de-Sac which has no usefulness for access to this or other adjacent properties. A further public benefit of this partial vacation would be increasing property subject to property tax instead of having CBJ property that is not on the tax rolls and not serving any public access benefit.

As you can see from the plat, Hendrickson Rd makes a right angle turn and then, after approximately 90 feet (south dimension), the round end of the Cul-de-Sac begins. I am requesting that the round end of the Cul-de-Sac be removed leaving a 100 foot (90' plus 10' feet of Hendrickson Rd R/W) approximately 45-foot-wide L shaped hammerhead end to Hendrickson Rd.

No utilities will need to be moved. The existing fire hydrant and underground power line junction box are located on Hendrickson Rd before the right turn, and at the beginning of the L respectively. Underground water, sewer and power go up the Hendrickson Rd L and then under the driveway of our home.

Only Lots 1A and 4A of Sherry Subdivision would see any measurable change.

Lot 1A will gain 5,615 sf. The elliptical boundary of the Cul-de-Sac separating Lots 1A and 4A will become a straight line and Lot 4A would gain 790 sf.

Lot 6A, which forms the north east boundary to my lot, will have the approximately 10-foot curvilinear line between the two monuments defining the beginning of the Cul-de-Sac, become a straight line. Lot 6A would become 5 sf larger.

(1)

Both of the adjacent property owners are in agreement with this request. Thank you for your consideration.

Sincerely,

Frank Rue
7083 Hendrickson Rd
Juneau, Alaska 99801
Frankrue44@gmail.com
907-209-9920

(2)

OWNERSHIP CERTIFICATE:

WE, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____, 2024

DATE: _____, 2024

SARAH J RUE

FRANCIS J RUE III

NOTARY ACKNOWLEDGEMENT:

UNITED STATES OF AMERICA)

)SS

STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2024, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED SARAH J RUE AND FRANCIS J RUE III TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARY FOR THE USES AND PURPOSES THEREIN MENTIONED AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

OWNERSHIP CERTIFICATE:

I, HEREBY CERTIFY THAT I AM THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____, 2024

PATTY MOSER

NOTARY ACKNOWLEDGEMENT:

UNITED STATES OF AMERICA)

)SS

STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2024, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED PATTY MOSER TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARY FOR THE USES AND PURPOSES THEREIN MENTIONED AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

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DATE: _____, 2024

DAVID L. COOGAN

NOTARY ACKNOWLEDGEMENT:

UNITED STATES OF AMERICA)

)SS

STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2024, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED DAVID L. COOGAN TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARY FOR THE USES AND PURPOSES THEREIN MENTIONED AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED _____, 2024

JILL LAWHORNE, DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT
CITY AND BOROUGH OF JUNEAU








ATTEST:





CLERK, CITY AND BOROUGH OF JUNEAU

NOTES:

- 1) THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10,000.
- 2) ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
- 3) RECORD INFORMATION DERIVED FROM THE OFFICIAL PLAT OF US SURVEY 2125; SUNNY POINT SUBDIVISION PLAT NO. 307; LOT 5A AND LOT 6 A, BLOCK 2 SUNNY POINT SUBDIVISION PLAT 91-32; LOT 5A1 AND 7A PLAT 2016-5; SHERRY SUBDIVISION A SUBDIVISION OF LOT 5A1 AND LOT 7A PLAT 2016-37 ON FILE WITH THE ALASKA DEPARTMENT OF NATURAL RESOURCES RECORDERS OFFICE IN THE JUNEAU RECORDING DISTRICT.
- 4) WHERE DIFFERENT FROM RECORD OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS AND REFERENCED TO A RECORDED PLAT (R#).
- 5) DOMESTIC WATER BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- 6) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 7) SHOWN BEARINGS ARE ALASKA STATE PLANE ZONE 1 NAD83(2011) TO CONVERT THE SHOWN GRID DATA TO TRUE BEARINGS ROTATE -00°46'17".
- 8) 10' UTILITY EASEMENT FOR MAINTAINING AND ACCESS TO WATER VALVE SERVICING LOT 1A IS CENTERED ON THE PIPE LOCATION.

LEGEND:

-  GLO PRIMARY MONUMENT RECOVERED
-  WKVH PRIMARY MONUMENT RECOVERED
-  R&M 7570S PRIMARY MONUMENT RECOVERED
-  EMPS PRIMARY MONUMENT RECOVERED
-  6282-S SECONDARY MONUMENT RECOVERED
-  10611-S SECONDARY MONUMENT RECOVERED
-  SECONDARY MONUMENT SET THIS SURVEY

-  PROPERTY LINES
-  VACATED PROPERTY LINES
-  ADJOINING PROPERTY LINES
-  10' WATERLINE EASEMENT

(N45°04'15" W)R1 RECORD INFORMATION FROM PLAT No.2016-37

(S00°06'33"W)R2 RECORD INFORMATION FROM PLAT No. 91-32

HENDRICKSON ROAD

VACATED RIGHT-OF-WAY

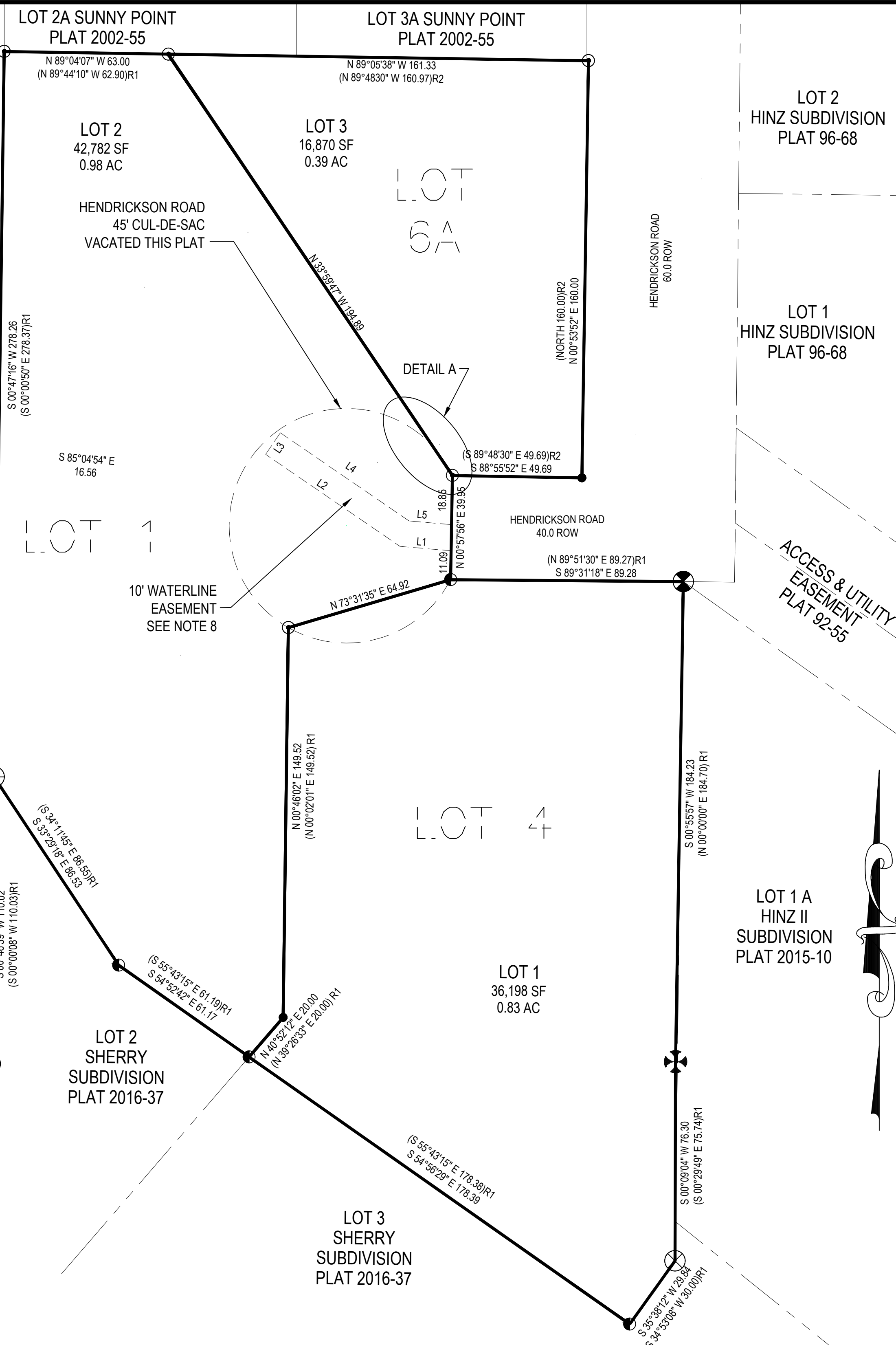
LOT 1 792 ST
LOT 2 561 SF
LOT 3

DETAIL A

NTS
L= 13.37 R = 45.00
Δ=17°02'37"
CHORD S 34°45'22" E
13.32

LINE TABLE WATERLINE EASEMENT

LINE	BEARING	DISTANCE
L1	N 85°04'54" W	19.73
L2	S 55°35'40" E	62.44
L3	S 34°24'20" W	10.00
L4	N 55°35'40" W	59.81
L5	N 85°04'54" W	16.56

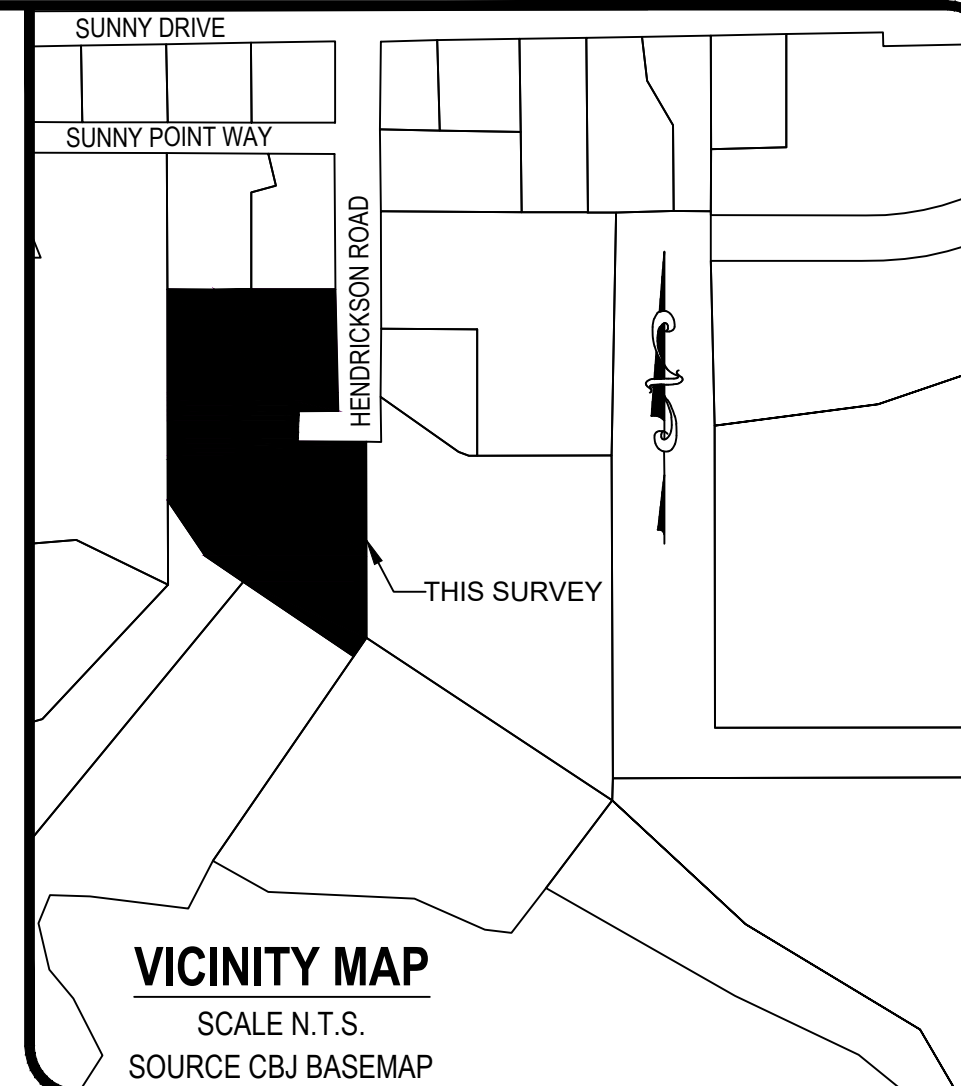


J F IVANISZEK
12314S

5/8" x 36" REBAR WITH
RED PLASTIC CAP

N.T.S.

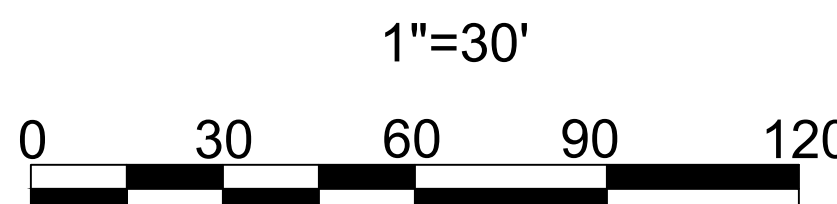
TYPICAL SET MONUMENT DETAIL



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: 10 JUNE 2024

PLAT OF
SHERRY SUBDIVISION II

A RIGHT-OF-WAY VACATION OF A PORTION OF HENDRICKSON DRIVE
AND LOT LINE ADJUSTMENT OF LOT 6A, BLOCK 2
SUNNY POINT SUBDIVISION & LOT 1 & LOT 4,
SHERRY SUBDIVISION
A FRACTION OF US SURVEY 2125
WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDERS OFFICE AT ANCHORAGE

CHILKAT SURVEYING & MAPPING, LLC

10654 PORTER LANE JUNEAU, ALASKA 99801
907-957-1908

OWNERS

FRANCIS J RUE III & SARAH J RUE
7083 HENDRICKSON RD
JUNEAU, AK 99801

PATTY MOSER
7081 HENDRICKSON RD
JUNEAU, AK 99801

DAVID L COOGAN
PO BOX 034499
JUNEAU, AK 99803

MIP:

2024-0003

SCALE:

1" = 30'

DATE:

10 JUNE 2024

SHEET NO.

1 OF 1

CERTIFICATE OF PLAT APPROVAL

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DATED _____, 2023

DIRECTOR, CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:

CLERK, CITY AND BOROUGH OF JUNEAU

NOTES:

- 1) THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10,000.
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- 4) WHERE DIFFERENT FROM RECORD OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS AND REFERENCED TO A RECORDED PLAT (R#).
- 5) DOMESTIC WATER BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- 6) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 7) SHOWN BEARINGS ARE ALASKA STATE PLANE ZONE 1 NAD83(2011) TO CONVERT THE SHOWN GRID DATA TO TRUE BEARINGS ROTATE -00°46'17"

LEGEND:

- GLO PRIMARY MONUMENT RECOVERED
- WKVH PRIMARY MONUMENT RECOVERED
- R&M 7570S PRIMARY MONUMENT RECOVERED
- EMPS PRIMARY MONUMENT RECOVERED
- 6282-S SECONDARY MONUMENT RECOVERED
- 10611-S SECONDARY MONUMENT RECOVERED
- SECONDARY MONUMENT SET THIS SURVEY

- PROPERTY LINES
- VACATED PROPERTY LINES
- ADJOINING PROPERTY LINES

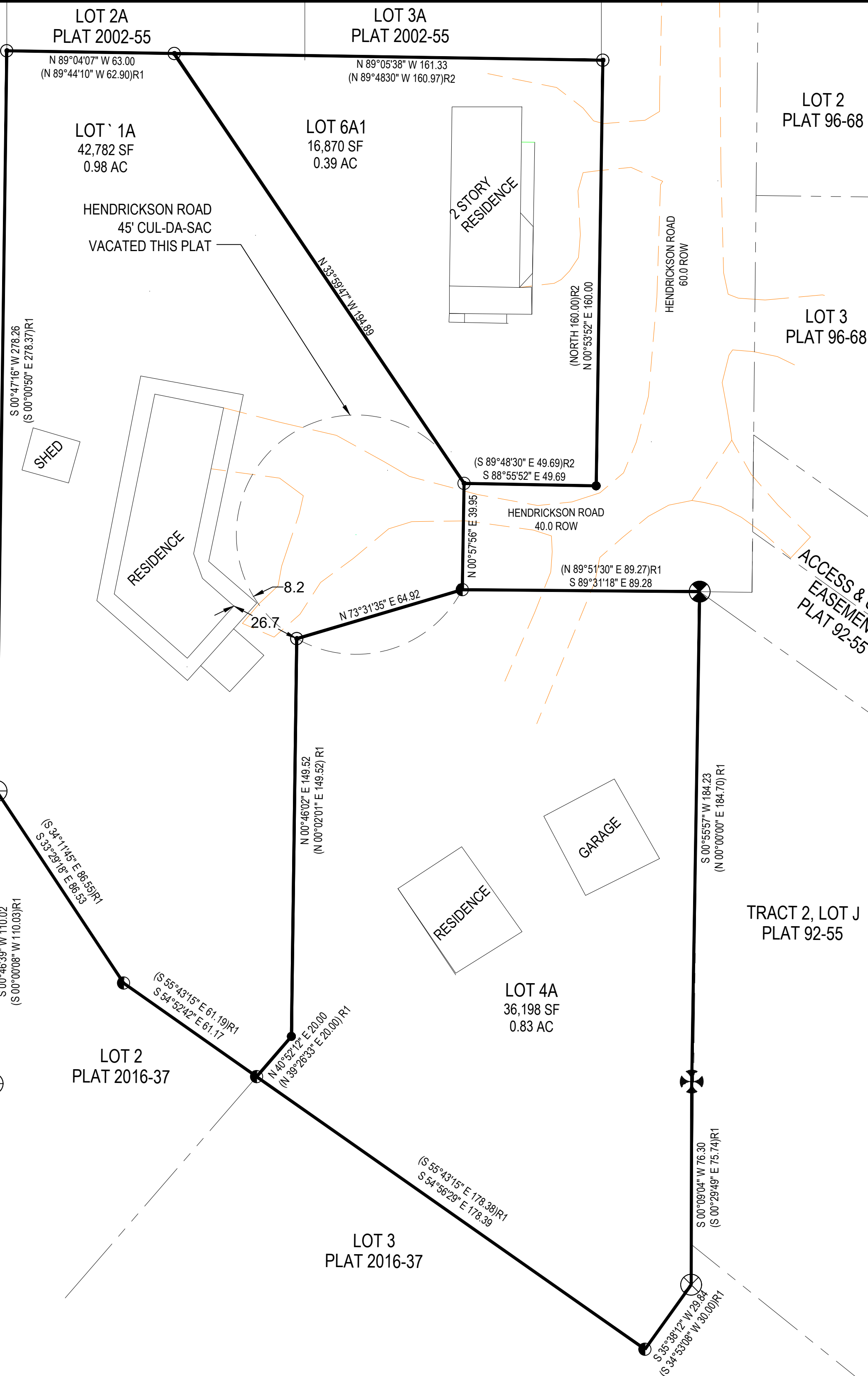
(N45°04'15" W)R1 RECORD INFORMATION FROM PLAT No.2016-37

(S00°06'33"W)R2 RECORD INFORMATION FROM PLAT No. 91-32

HENDRICKSON ROAD

VACATED RIGHT-OF-WAY

LOT 1A	5,615 SF
LOT 4A	792 SF
LOT 6A1	5 SF

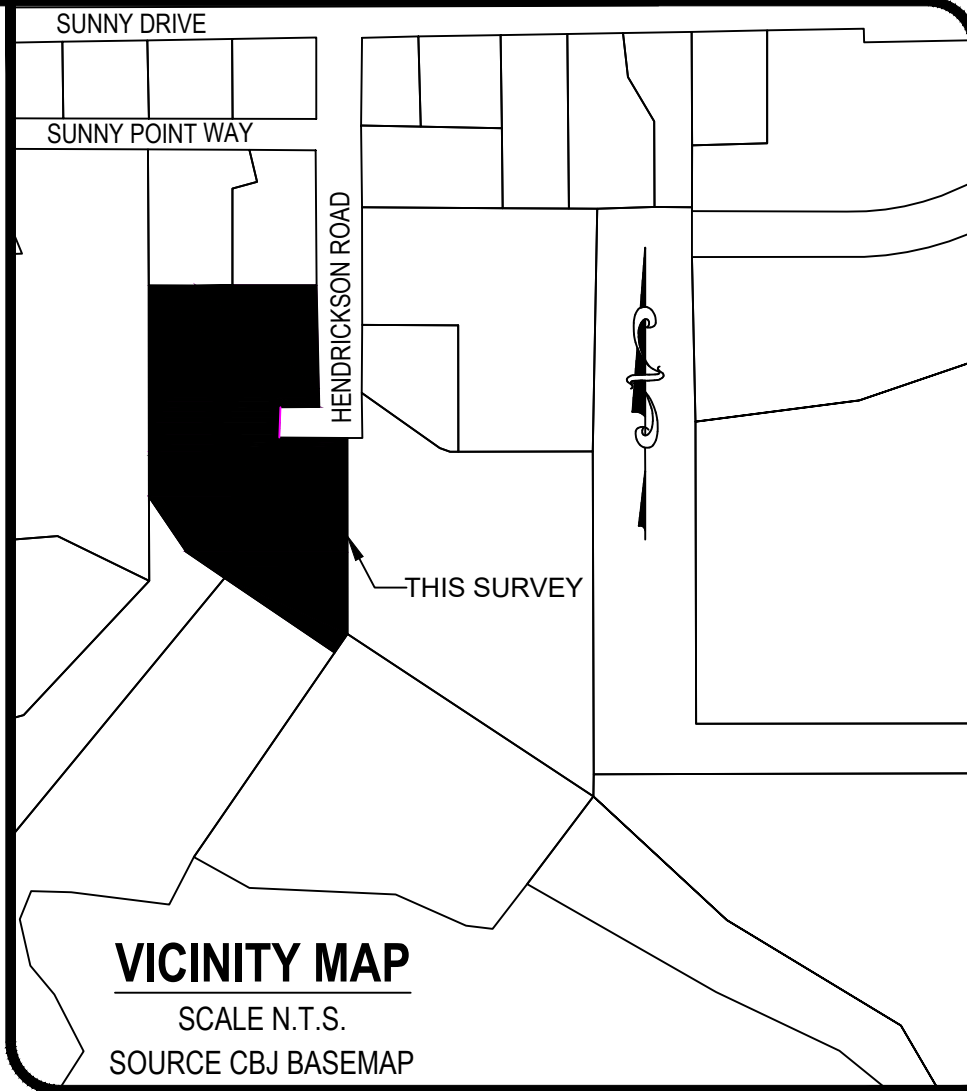


TYPICAL SET MONUMENT DETAIL



5/8" x 36" REBAR WITH
RED PLASTIC CAP

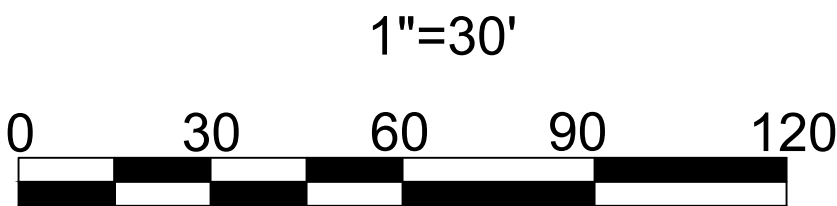
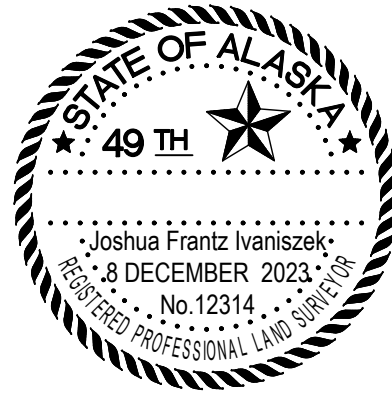
N.T.S.



SURVEYOR'S CERTIFICATE

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DATED: 8 DECEMBER 2023



PLAT OF SHERRY SUBDIVISION II RIGHT-OF-WAY VACATION OF A PORTION OF HENDRICKSON DRIVE A FRACTION OF US SURVEY 2125 WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA JUNEAU RECORDING DISTRICT			
STATE RECORDERS OFFICE AT ANCHORAGE			
CHILKAT SURVEYING & MAPPING, LLC 10654 PORTER LANE JUNEAU, ALASKA 99801 907-957-1908			
OWNERS			
FRANCIS J RUE III & SARAH J RUE 7083 HENDRICKSON RD JUNEAU, AK 99801	PATTY MOSER 7081 HENDRICKSON RD JUNEAU, AK 99801	DAVID L COOGAN PO BOX 034499 JUNEAU, AK 99803	
SMF: 2024-XX	SCALE: 1" = 30'	DATE: 8 DECEMBER 2023	SHEET NO. 1 OF 1

From: [Theresa Ross](#)
To: [David Peterson](#)
Subject: RE: STV24-01 - FW: Frank Rue Case
Date: Tuesday, March 12, 2024 3:07:54 PM

Thanks for catching that, I do not see any issues with access from a fire department's point of view.

From: David Peterson <David.Peterson@juneau.gov>
Sent: Tuesday, March 12, 2024 2:59 PM
To: Theresa Ross <Theresa.Ross@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>
Subject: STV24-01 - FW: Frank Rue Case

Hey Theresa,

I think this must have slipped through the cracks. Just want to verify that CCFR got a chance to weigh in on this. Do you have any comments on the proposed street vacation you see attached?

Cheers!

David Matthew Peterson | Planner II – Plat Reviewer

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4132



Fostering excellence in development for this generation and the next.

From: David Peterson
Sent: Thursday, February 8, 2024 1:43 PM
To: Quinn Tracy <Quinn.Tracy@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>; Bridget LaPenter <bridget.lapenter@juneau.gov>
Subject: Frank Rue Case

Hello all,

Please see attached Cul-de-sac vacation plat and construction plan. I would like to have your review

comments by 2/23.

Let me know if you need any additional information.

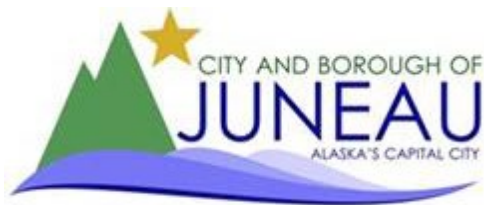
Cheers!

David Matthew Peterson | Planner II – Plat Reviewer

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4132



Fostering excellence in development for this generation and the next.

From: chilkat.surveying@gmail.com <chilkat.surveying@gmail.com>

Sent: Thursday, February 8, 2024 1:26 PM

To: David Peterson <David.Peterson@juneau.gov>

Subject: RE: PAC23-15 - Turn Around

Requested PDFs attached.

Thanks for the update.

Josh

Joshua F. Ivanisek PLS, CFEDS
Chilkat Surveying & Mapping, LLC
10654 Porter Lane
Juneau, AK 99801
907-957-1908

From: [John Bohan](#)
To: [David Peterson](#)
Cc: [James "Red" Langel](#); [Scott Gray](#); [Bridget LaPenter](#)
Subject: RE: PAC23-15 - Hendrickson Rd
Date: Tuesday, May 23, 2023 3:01:46 PM
Attachments: [PAC23-15 Easements.pdf](#)
[image.png](#)

Hi David,

There do not appear to be any issues with vacation of this Cul De Sac from the GE or Street's end. Streets doesn't maintain the road in the winter or grade it in the summer.

It doesn't appear any properties will be landlocked, according to the survey plat. Will need concurrence of adjoining and impacted properties.

Easements or recorded acceptance of ownership (by all owners) will need to be provided for any common Water or Wastewater infrastructure within the vacated ROW. – will have Eric / Paul look into what Water / WW infrastructure exists in the proposed vacation.

CCFR will likely require a turn around, even if one isn't constructed now, because the property owner is removing the ability to construct one in the future.

Let us know if there are other questions. Thanks

Thanks

John Bohan, PE

CBJ Chief CIP Engineer

155 S. Seward St

Juneau AK 99801

(907)586-0800 x-4188

From: David Peterson <David.Peterson@juneau.gov>

Sent: Monday, May 22, 2023 3:24 PM

To: John Bohan <John.Bohan@juneau.gov>

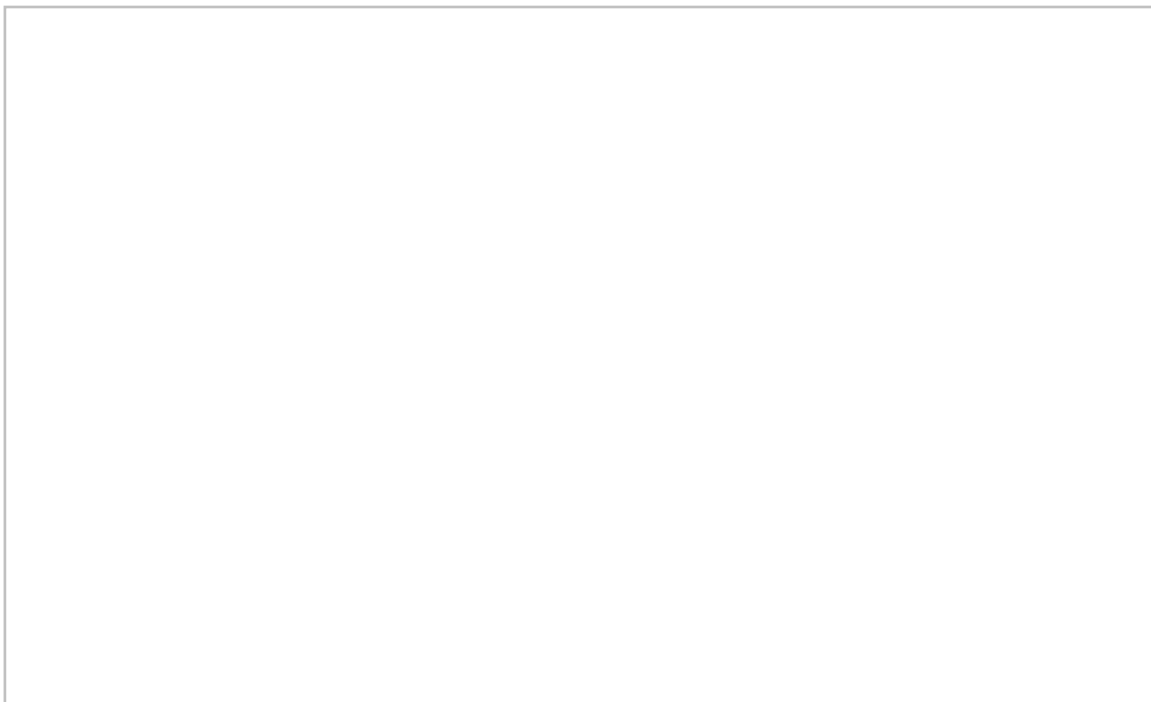
Subject: PAC23-15 - Hendrickson Rd

Hey John,

The applicant is requesting a cul-de-sac vacation.

I think we could do a hammerhead or some other variation of an emergency turn around here?

Would GE ever allow for such a thing?



David Matthew Peterson | Planner II – Plat Reviewer

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4132

CBJ_EmailLargeColorLogo



Fostering excellence in development for this generation and the next.

From: [Dan Bleidorn](#)
To: [David Peterson](#); [Loni VanKirk](#); [Scott Gray](#)
Cc: [Bridget LaPenter](#)
Subject: RE: STV24-01 - Comments
Date: Thursday, June 13, 2024 10:49:02 AM

No concerns from Lands.
 CBJ doesn't own any property adjacent to this cul-de-sac.

From: David Peterson <David.Peterson@juneau.gov>
Sent: Wednesday, June 12, 2024 1:18 PM
To: Loni VanKirk <Loni.VanKirk@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Scott Gray <Scott.Gray@juneau.gov>
Cc: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Subject: RE: STV24-01 - Comments

Hello All,

Would you each be able to confirm that there are no concerns regarding the cul-de-sac vacation at the end of Hendrickson Road out at Sunny Point?

(See attached vacation plat)

It is more of a formality for the case report.

From what it sounds like, this has been discussed to exhaustion.

Just need confirmation that your departments are okay with this.

Cheers!

David Matthew Peterson | Planner II – Plat Reviewer

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4132



Fostering excellence in development for this generation and the next.

From: [Scott Gray](#)
To: [Dan Bleidorn](#); [David Peterson](#); [Loni VanKirk](#)
Cc: [Bridget LaPenter](#)
Subject: RE: STV24-01 - Comments
Date: Thursday, June 13, 2024 10:58:50 AM

CBJ Streets does not object. (The CCFR question was answered)

Thanks,

Scott



Scott Gray
 Superintendent
 Public Works Streets & Fleet
 907-586-5256

From: Dan Bleidorn <Dan.Bleidorn@juneau.gov>
Sent: Thursday, June 13, 2024 10:49 AM
To: David Peterson <David.Peterson@juneau.gov>; Loni VanKirk <Loni.VanKirk@juneau.gov>; Scott Gray <Scott.Gray@juneau.gov>
Cc: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Subject: RE: STV24-01 - Comments

No concerns from Lands.
 CBJ doesn't own any property adjacent to this cul-de-sac.

From: David Peterson <David.Peterson@juneau.gov>
Sent: Wednesday, June 12, 2024 1:18 PM
To: Loni VanKirk <Loni.VanKirk@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Scott Gray <Scott.Gray@juneau.gov>
Cc: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Subject: RE: STV24-01 - Comments

Hello All,

Would you each be able to confirm that there are no concerns regarding the cul-de-sac vacation at the end of Hendrickson Road out at Sunny Point?

(See attached vacation plat)

It is more of a formality for the case report.

From what it sounds like, this has been discussed to exhaustion.

Just need confirmation that your departments are okay with this.

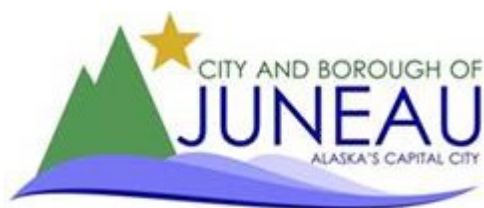
Cheers!

David Matthew Peterson | Planner II – Plat Reviewer

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4132



Fostering excellence in development for this generation and the next.

From: [Loni VanKirk](#)
To: [David Peterson](#); [Bridget LaPenter](#); [Scott Gray](#); [Dan Bleidorn](#); [Rich Etheridge](#); [Dan Jager](#)
Cc: [Theresa Ross](#)
Subject: RE: STV24-01 - Comments
Date: Wednesday, June 12, 2024 3:13:59 PM
Attachments: [image.png](#)
[image.png](#)

Hello,

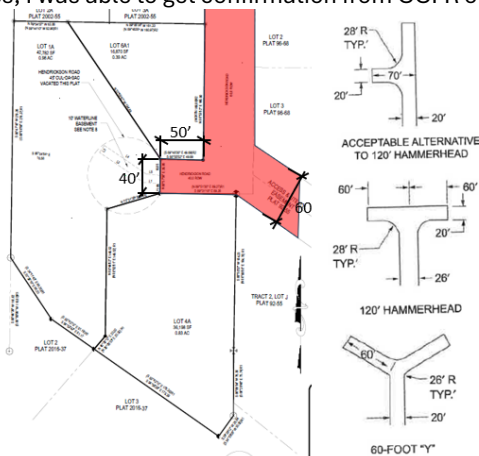
The Water Utility approves of the vacate plan with the Easement for water infrastructure access. The only concern I have is making sure the abandoned service gets plugged at the saddle.

Loni Van Kirk
CBJ Water Utility
Office 907-586-0393 Ext 4282

From: David Peterson <David.Peterson@juneau.gov>
Sent: Wednesday, June 12, 2024 1:56 PM
To: Bridget LaPenter <Bridget.LaPenter@juneau.gov>; Scott Gray <Scott.Gray@juneau.gov>; Loni VanKirk <Loni.VanKirk@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Rich Etheridge <Rich.Etheridge@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>
Cc: Theresa Ross <Theresa.Ross@juneau.gov>
Subject: RE: STV24-01 - Comments

Bridget,

Yes, I was able to get confirmation from CCFR on the turnaround.



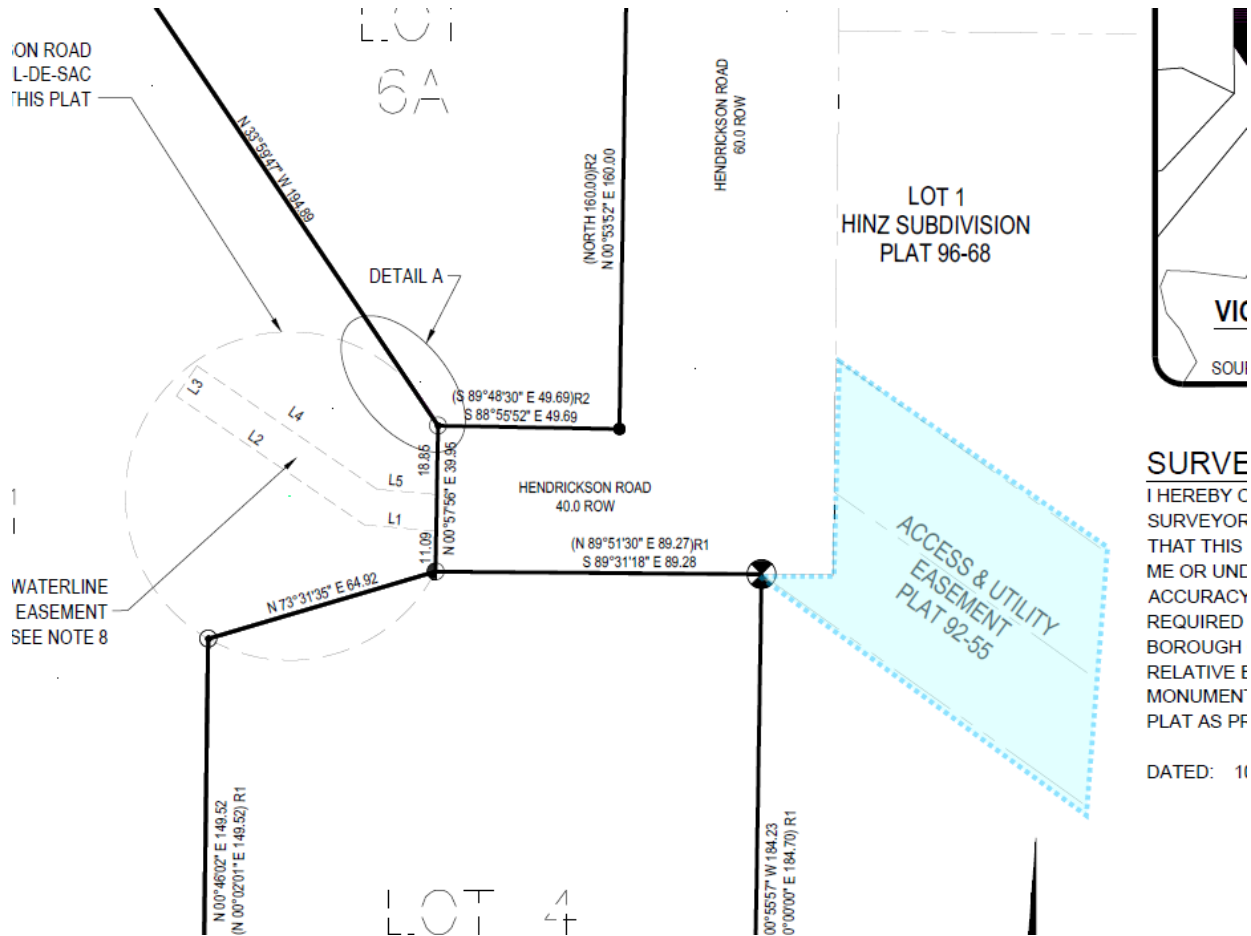
DP

From: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Sent: Wednesday, June 12, 2024 1:47 PM
To: Scott Gray <Scott.Gray@juneau.gov>; David Peterson <David.Peterson@juneau.gov>; Loni VanKirk <Loni.VanKirk@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Rich Etheridge <Rich.Etheridge@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>
Cc: Theresa Ross <Theresa.Ross@juneau.gov>
Subject: RE: STV24-01 - Comments

All,

I asked Dan Jager for his input back in February but I am not finding a response to my email (attached). Theresa Ross is out of the office. **Dan or Rich**, do you have a stance on the vacation of Hendrickson Road Cul-de-Sac in Theresa's absence?

It was my understanding that CCFR approved this ROW vacation as CCFR intended to use the access and utility easement highlighted below as a fire truck "hammerhead" turn around. I'm in a training, however, and not finding it in my emails.



Thanks,

Bridget LaPenter, P.E. | Chief GE Engineer
General Engineering Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0800 ext. 4187 Cell: 907.500.4170

From: Scott Gray <Scott.Gray@juneau.gov>

Sent: Wednesday, June 12, 2024 1:35 PM

To: David Peterson <David.Peterson@juneau.gov>; Loni VanKirk <Loni.VanKirk@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>

Cc: Bridget LaPenter <Bridget.LaPenter@juneau.gov>

Subject: RE: STV24-01 - Comments

Hi,

If we go with the attached plated Vacation draft, Streets will approve. Red said they can currently turn a 10-yard truck with a plow with a sander around at the end of road. You may want to ask CCFR to drive down and see if they are able to turn a fire truck around. Keep in mind, It will probably be a 2 to 3 point turn around.

Scott



Scott Gray
Superintendent
Public Works Streets & Fleet
907-586-5256

From: David Peterson <David.Peterson@juneau.gov>
Sent: Wednesday, June 12, 2024 1:18 PM
To: Loni VanKirk <Loni.VanKirk@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Scott Gray <Scott.Gray@juneau.gov>
Cc: Bridget LaPenter <Bridget.LaPenter@juneau.gov>
Subject: RE: STV24-01 - Comments

Hello All,

Would you each be able to confirm that there are no concerns regarding the cul-de-sac vacation at the end of Hendrickson Road out at Sunny Point?

(See attached vacation plat)

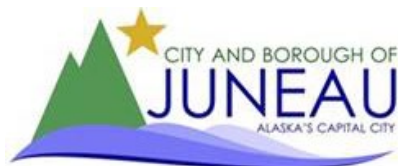
It is more of a formality for the case report.

From what it sounds like, this has been discussed to exhaustion.

Just need confirmation that your departments are okay with this.

Cheers!

David Matthew Peterson | Planner II – Plat Reviewer
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4132



Fostering excellence in development for this generation and the next.

From: David Peterson <David.Peterson@unsw.edu.au>
Sent: Wednesday, June 12, 2024 12:58 PM
To: Dr Lawrence <Dr.Lawrence@unsw.edu.au>
Cc: Scott Campbell <Scott.Campbell@unsw.edu.au>
Subject: Fw: Sign posted at information on 6/12/2024

Hi,

Is this location acceptable? (See image below from Frank Ruse).

Are you sure we need to push back to the 1030 PM meeting? (Depending on how it is courted, we will have 14 days before the PC meeting on the 20th)

DR

A photograph of a gravel road intersection. On the left, a green street sign for 'Hendricks Rd' is mounted above a white octagonal stop sign. A red and white 'NOTICE' sign is placed on the grassy shoulder. The road is made of gravel and leads into a dense forest of evergreen trees. A portion of a silver pickup truck is visible on the right side of the road.

LOT 6A
OWNERSHIP CERTIFICATE

"I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:"
Dated Jan 18, 1991.
Witness [Signature] Owner [Signature]
Witness [Signature] Owner [Signature]

NOTARY ACKNOWLEDGEMENT

UNITED STATES OF AMERICA
STATE OF Alaska
THIS IS TO CERTIFY that on the 18th day of January, 1991, before the undersigned a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Robert Beck and Margaret O Beck, to me known and known to me to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.
WITNESS my hand and official seal the day and year in this certificate first above written.

Donna M. Miller
Notary Public for Alaska
My Commission Expires 3/19/91

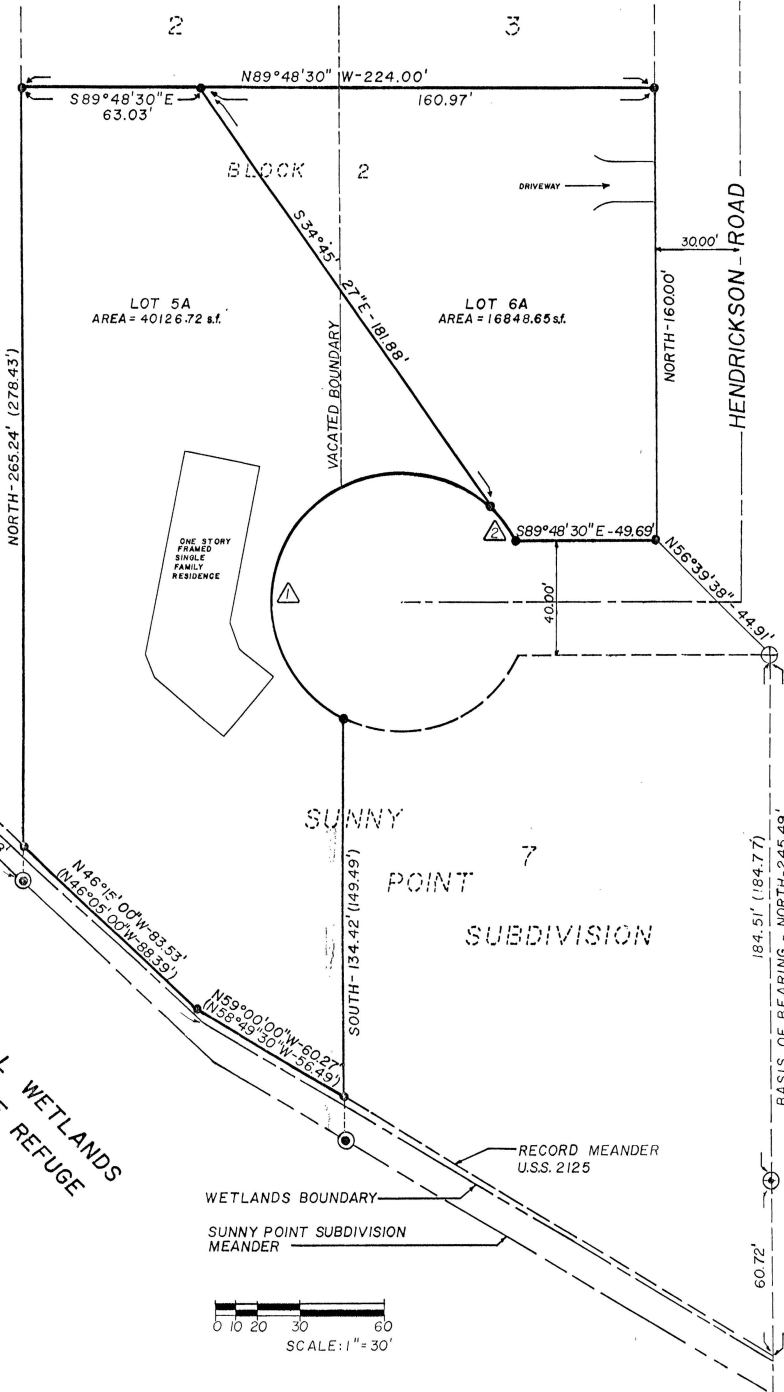
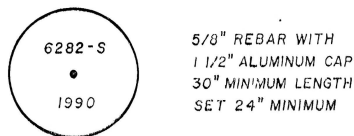
LEGEND

- ⊕ FOUND ORIGINAL GLO BRASS CAPS DATED 1932
- ⊕ FOUND SECONDARY MONUMENT SET BY OTHERS (EMPS) W/ 2-1/2" ALUMINUM CAP
- ⊕ MENDENHALL WETLANDS STATE GAME REFUGE PRIMARY MONUMENT-RECOVERED
- ⊙ W.K.V.H. C-3 ACCRETED LANDS PRIMARY MONUMENT-RECOVERED
- 5/8" REBAR WITH ALUMINUM CAP-SET
- () RECORD
- CENTERLINE OF ROAD
- SUNNY POINT SUBDIVISION PLAT BOUNDARY
- WETLANDS BOUNDARY

CURVE DATA

- △ RADIUS - 44.94' (45.00')
ANGLE - 197°24'14"
ARC - 154.83'
CHORD - SW 38°01'01" - 86.84'
- △ RADIUS - 44.94' (45.00')
ANGLE - 17°02'37"
ARC - 13.37'
CHORD - S34°45'22"E - 13.32'

TYPICAL MONUMENT DETAIL



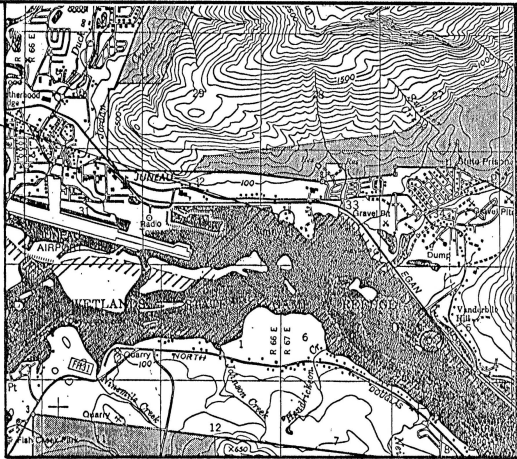
LOT 5A
OWNERSHIP CERTIFICATE

"I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:"
Dated May 23, 1991.
Witness Thomas Korosei Owner Francis J. Rue
Witness Thomas Korosei Owner Francis J. Rue

NOTARY ACKNOWLEDGEMENT

UNITED STATES OF AMERICA
STATE OF ALASKA
THIS IS TO CERTIFY that on the 23rd day of May, 1991, before the undersigned a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Francis J. Rue and Francis J. Rue, to me known and known to me to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.
WITNESS my hand and official seal the day and year in this certificate first above written.

SUBDIVISION LOCATION



VICINITY MAP

SCALE
0 1/4 1/2 1 mile
SOURCE: U.S.G.S. QUAD. B-2
DATED: 1962

CERTIFICATE OF APPROVAL
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. ANY OTHER TYPE OF WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SUBJECT TO ANY NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

R. F. E. II Dated 2-4, 1991
Name and Title
Alaska Department of Environmental Conservation
Approving Official

DEPARTMENT OF COMMUNITY DEVELOPMENT CERTIFICATE

"I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA."

Dated April 23, 1991

Attest: [Signature]
City and Borough of Juneau

Murray R. Walsh
Director
City and Borough of Juneau
Department of Community Development

SURVEYOR'S CERTIFICATE

"I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE NOTED UPON THIS PLAT AS PRESENTED."

Dated Feb 25, 1991

[Signature]
Signature and Seal



LOT 5A AND LOT 6A, BLOCK 2,
SUNNY POINT SUBDIVISION
A REPLAT OF LOT 5 AND LOT 6, BLOCK
2, SUNNY POINT SUBDIVISION, LOCATED
WITHIN U.S.S. 2125, THE CITY OF JUNEAU, AK

PROJECT: 7083 HENDRICKSON ROAD
JUNEAU, ALASKA 99801
DRAWN: AJC REVISION: SCALE: 1" = 30'
DATE: 6-20-90 DATE: APPROVED:

Baxandall Associates
P.O. Box 32478 Juneau, Alaska 99803
(907) 844-3213

CLIENTS:
ROBERT BECK
3010 YAMHILL RD
PORTLAND, OR 97214

CLIENTS:
FRANCIS J. RUE III
7083 HENDRICKSON RD
JUNEAU, AK 99801

SURVEYOR:
RICHARD E. ERSKINE
P.O. BOX 32478
JUNEAU, AK. 99803

NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING OF N0°00'00"E BETWEEN RECOVERED CORNER WCMC 4 OF U.S. SURVEY 2125, AND THE MOST NORTHEAST CORNER OF LOT 7 OF SUNNY POINT SUBDIVISION. THE FORMER BEING "U. S. GENERAL LAND OFFICE," 2.5" DIA. BRASS CAPS ATOP 1" DIA. IRON PIPE, SET IN 1922(?), THE LATTER A 3.25" DIA. ALUMINUM CAP ATOP A 2.5" DIA. ALUMINUM PIPE, SET IN 1981. BOTH AS DESCRIBED AND DETAILED ON THIS PLAT.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING, AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES IN U.S. SURVEY FEET.

3. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.

4. WHERE MEASURED BEARINGS AND DISTANCES DIFFER FROM RECORD, THOSE OF RECORD ARE SHOWN IN PARENTHESIS.

5. THE PURPOSE OF THIS SURVEY AND PLAT IS THE DELINEATION OF ACCRETED LAND TO THE EXISTING LOTS, THUS ESTABLISHING A NEW BOUNDARY BETWEEN THE MENDENHALL WETLANDS STATE GAME REFUGE AND A PORTION OF PRIVATE LAND, AS PRESCRIBED BY THE ACT "AS 16.20.034," AND SIGNED IN TO LAW BY THE GOVERNOR OF THE STATE OF ALASKA, ON APRIL 30, 1976. THE ACCRETED LAND IS TO LOTS 5A (A REPLAT OF LOT 5) & LOT 7, BLOCK 2, OF SUNNY POINT SUBDIVISION, WITHIN U.S. SURVEY 2125. THIS SURVEY AND PLAT ALSO MODIFIES THE BOUNDARY OF THE MENDENHALL WETLANDS STATE GAME REFUGE -- PLAT # 85-8385, JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

6. THE TIDAL DATUM USED TO ESTABLISH MEAN HIGH WATER (MHW) FOR THIS SURVEY IS FROM A TIDAL OBSERVATION MADE ON 02/02/2014 @ 2:45 PM, LOCAL STANDARD TIME (LST). THIS OBSERVATION WAS THEN CORRELATED WITH TIDAL DATA MEASURED AND RECORDED AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND NATIONAL OCEAN SERVICE (NOS) TIDE GAUGE #9452210, LOCATED IN GASTINEAU CHANNEL, JUNEAU, ALASKA. SAID GAUGE HAVING A MEAN HIGH WATER (MHW) DATUM OF +15.35' AS ESTABLISHED FROM TIDAL OBSERVATIONS SPANNING A 19 YEAR PERIOD. AS THIS SURVEY SITE LIES ALONG THE SAME BODY OF WATER (GASTINEAU CHANNEL), AND APPROXIMATELY 5.5 MILES NORTHWEST OF THE NOAA TIDE GAUGE, NO TIDAL CORRECTION WAS APPLIED TO THIS OBSERVATION.

7. THE NATURAL MEANDERS OF THE MEAN HIGH WATER LINE FORM THE TRUE BOUNDS OF EPF NO. 20140052. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR AREA COMPUTATIONS ONLY. THE TRUE CORNERS ARE ON THE EXTENSION OF THE SIDELINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.

8. EFFECTIVE AUGUST 19, 2013, PARTS OF THESE PROPERTIES ARE LOCATED IN A "VE" FLOOD HAZARD AREA ACCORDING TO THE COMMUNITY PANELS #02110C-1531D & #02110C-1532D OF THE CITY AND BOROUGH OF JUNEAU, ALASKA, FLOOD INSURANCE RATE MAP (FIRM), DATED AUGUST 19, 2013.

9. RECORD INFORMATION DERIVED FROM THE PLAT DEPICTING, AND FIELD NOTES DESCRIBING U.S. SURVEY 2125; PLAT #307 ("SUNNY POINT SUBDIVISION"); PLAT #544 (ACCRETED LANDS ADJACENT TO U.S. SURVEY 2125 -- BY JAMES G. KING); PLAT #91-32 ("LOT 5A AND LOT 6A, BLOCK 2, SUNNY POINT SUBDIVISION A REPLAT OF LOT 5 AND LOT 6, BLOCK 2, SUNNY POINT SUBDIVISION, LOCATED WITHIN U.S.S. 2125"); PLAT #92-55 ("TRACT 1, LOT J & TRACT 2, LOT 3, U.S. SURVEY NO. 2475, A SUBDIVISION OF THE RESUBDIVISION OF LOT 3, U.S.S. 2475"); PLAT #2000-37 ("RECORD OF SURVEY PLAT ACCRETED LANDS ADJACENT TO U.S. SURVEY NO. 2125, LOT 1A SUNNY POINT SUBDIVISION"); PLAT #2008-4 ("ALASKA STATE LAND SURVEY 2003-48 LOT 1A1, SUNNY POINT SUBDIVISION..."); PLAT #2011-10 ("BRANTA SUBDIVISION A REPLAT OF LOT 1A1, SUNNY POINT SUBDIVISION ACCORDING TO ALASKA STATE LAND SURVEY NO. 2003-48 WITHIN U.S. SURVEY 2125"); PLAT #2014-1 ("ALASKA STATE LAND SURVEY NO. 2010-47 A PLAT OF HINZ II A SUBDIVISION OF TRACT 2, LOT J, U.S.S. 2475 AND ACCRETION") ALL OF THE ABOVE NOTED DOCUMENTS ARE ON FILE AT THE RECORDER'S OFFICE IN THE JUNEAU RECORDING DISTRICT.

APPROVAL CERTIFICATE

This plat has been reviewed and found to be in compliance with the applicable provisions of the law, and settlement agreement 1JU-14-800 CI, and is hereby approved.

Date: Jan 26, 2016 2016 Randall V. Davis
Director, Division of Mining, Land & Water

CERTIFICATE OF APPROVAL CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I hereby certify that the plat shown hereon has been found to comply with Title 4 Community Development Regulations, and is approved by City and Borough of Juneau Department of Community Development for recording in the office of the Juneau Recording District, Juneau, AK.

Director, City & Borough of Juneau
Department of Community Development
Attest: Deputy Clerk
Date: February 10, 2016

CURVE	LENGTH	RADIUS	DELTA	DIRECTION	C. LENGTH
C1	155.45	44.88	198°27'08"	S38°27'00"W	88.60
R1		(45.00)			
R2	(154.83)	(44.94)	(197°24'14")	(S38°01'01"W)	(88.84)
C2	72.46	44.79	92°41'14"	N72°35'23"E	64.81
R1	(72.80)	(45.00)	(92°41'31")		(65.12)



STATEMENT OF OWNERSHIP

We hereby certify that we are the owners of Lot 5A (a replat of Lot 5) Block 2, of Sunny Point Subdivision, within U.S. Survey 2125, as shown and described hereon and that we hereby adopt this plat of subdivision with our free consent, and dedicate all streets, alleys, walks and other open spaces to public or private use as noted.

Date: 1/11/2016
Francis J. Rue III
7083 Hendrickson Road
Juneau, AK 99801

Date: 1/11/2016
Sarah J. Rue
7083 Hendrickson Road
Juneau, AK 99801

NOTARY ACKNOWLEDGEMENT

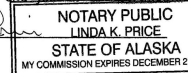
United States of America)
S.S.

State of Alaska

This is to certify that on this 11th day of JANUARY, 2016 before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Francis J. Rue III, and Sarah J. Rue, to me known to be the persons described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska Randall V. Davis
My commission expires: 12/02/2017



STATEMENT OF OWNERSHIP

We hereby certify that we are the owners of Lot 7, Block 2 of Sunny Point Subdivision, within U.S. Survey 2125, as shown and described hereon and that we hereby adopt this plat of subdivision with our free consent, and dedicate all streets, alleys, walks and other open spaces to public or private use as noted.

Date: 1/11/2016
Fritz Moser
7081 Hendrickson Road
Juneau, AK 99801

Date: 1/11/2016
Patty Moser
7081 Hendrickson Road
Juneau, AK 99801

NOTARY ACKNOWLEDGEMENT

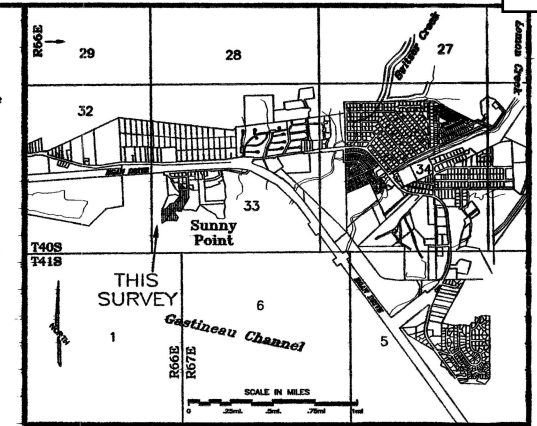
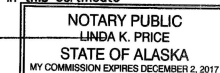
United States of America)
S.S.

State of Alaska

This is to certify that on this 11th day of JANUARY, 2016 before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Fritz and Patty Moser, to me known to be the persons described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska Randall V. Davis
My commission expires: 12/02/2017



VICINITY MAP

SOURCE: U. S. GEOLOGICAL SURVEY QUADRANGLE
JUNEAU (8-2) SW, ALASKA
DATE: 1986 (PROVISIONAL EDITION)
AND CITY & BOROUGH OF JUNEAU GIS PROPERTY
DATABASE CIRCA 2008
SCALE: 1" = 1/2 MILE

LEGEND

- ⊗ G.L.O. BRASS CAP PRIMARY MONUMENT RECOVERED
- ⊕ PRIMARY MONUMENT RECOVERED
- ⊙ SECONDARY MONUMENT RECOVERED
- ⊗ PRIMARY MONUMENT SET THIS SURVEY
(3 1/4" ALUMINUM CAP ON 36" X 2 1/2" ALUMINUM PIPE)
- SECONDARY MONUMENT SET THIS SURVEY

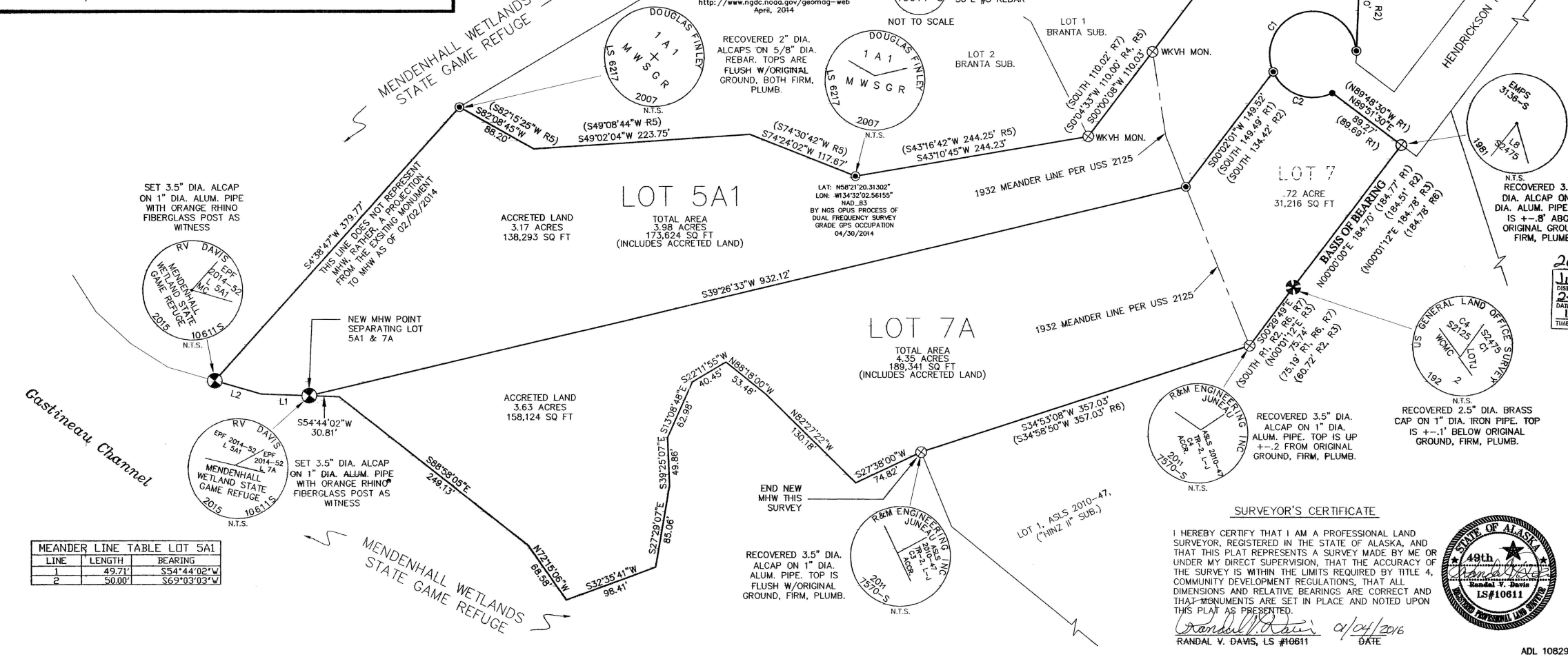
- PROPERTY LINE (MEASURED THIS SURVEY)
- SURVEYED LINE (BY OTHERS)
- - - RECORD MEANDER LINE

R1 = PLAT #307
R2 = PLAT #91-32
R3 = PLAT #92-55
R4 = PLAT #2000-37
R5 = PLAT #2008-4 & #2011-10
R6 = PLAT #2014-1
R7 = PLAT #544
(SEE "9" UNDER "NOTES" FOR MORE INFORMATION ON DOCUMENTS AND SURVEYS OF RECORD.)

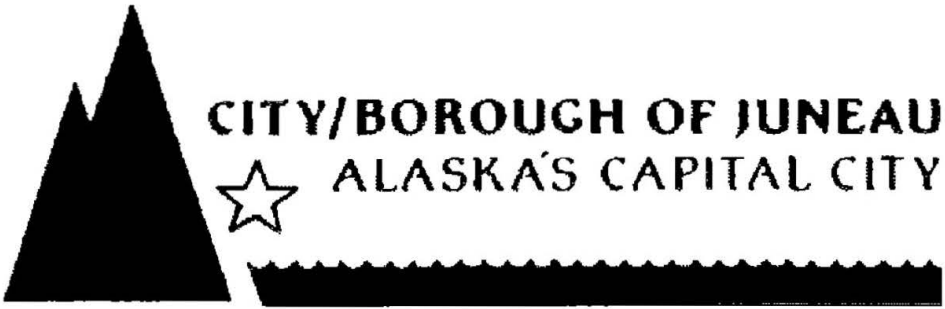
GRAPHIC SCALE
0 30 60 120 240 FEET
0 20 40 60 METERS
1 SURVEY = 3.2808333 U.S. SURVEY FEET
1 U.S. ACRE = 0.4047 HECTARE

2016-5
JUNEAU
DIST
2-112016
DATE
10:20 AM
TIME

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER, ANCHORAGE, ALASKA	
ENGINEERING PLAT FILE NO. 20140052	
LOT 5A1 AND 7A A PLAT OF LOTS 5A & 7, BLOCK 2, OF SUNNY POINT SUBDIVISION AND ACCRETED LANDS, WITHIN U.S. SURVEY NO. 2125 CITY AND BOROUGH OF JUNEAU, ALASKA JUNEAU RECORDING DISTRICT AMENDMENT NO. 25 TO THE MENDENHALL WETLANDS STATE GAME REFUGE UNSURVEYED SECTION 33, T. 40 S., R. 66 E., C.B.M. CONTAINING 8.33 ACRES	
OWNERS, LOT 5A: FRANCIS J. RUE III & SARAH J. RUE 7083 HENDRICKSON RD. JUNEAU, AK 99801	OWNERS, LOT 7: FRITZ & PATTY MOSER 7081 HENDRICKSON ROAD JUNEAU, AK 99801
DATES OF SURVEY: BEGINNING: 02/02/14 ENDING: 03/24/14	SURVEYOR: RANDAL V. DAVIS, PLS 9240 N. DOUGLAS HWY., JUNEAU, AK 99801
DRAWN BY: RVD	APPROVAL RECOMMENDED <u>Randall V. Davis</u> 1/26/2016
DATE: 09/18/15	DATE
CHECKED BY: RVD	STATEWIDE PLAYING SUPERVISOR
SCALE: 1" = 60'	SHEET 1 OF 1 FILE NO. EPF 20140052



Juneau 2016-5



Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-0377 Phone
(907) 586-5367 Fax

CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Deputy Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

FRITZ MOSER & PATTY MOSER

Current Owner


SUNNY POINT BL 2 LT 7

Legal Description

5-B14-0-103-010-0

Parcel Code Number

and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year.


Theresa Winther

February 8, 2016

Date

This Certification of Payment of Taxes is valid through June 30, 2016

Juneau 2016

**CITY/BOROUGH OF JUNEAU**
ALASKA'S CAPITAL CITYTreasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-0377 Phone
(907) 586-5367 Fax**CERTIFICATION OF TAXES AND ASSESSMENTS PAID**

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

FRANCIS J RUE III & SARAH J RUE**Current Owner**SUNNY POINT BL 2 LT 5A**Legal Description**5-B14-0-103-009-0**Parcel Code Number**

and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year.

Cheryl A Crawford
Cheryl A CrawfordFebruary 5, 2016**Date****This Certification of Payment of Taxes is valid through June 30, 2016**

NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING OF N0°00'00"E BETWEEN RECOVERED CORNER WCMC 4 OF U.S. SURVEY 2125, AND THE MOST NORTHEAST CORNER OF LOT 7 OF SUNNY POINT SUBDIVISION. THE FORMER BEING "U. S. GENERAL LAND OFFICE," 2.5" DIA. BRASS CAPS ATOP 1" DIA. IRON PIPE; THE LATTER A 3.25" DIA. ALUMINUM CAP ATOP A 2.5" DIA. ALUMINUM PIPE. THE LATTER APPEARS TO BE A 1981 RESET OF THE CORNER BY EMPS, AND THIS SURVEYOR HOLDS IT AS THE TRUE CORNER, AS DID THE SURVEYORS WHO RECORDED PLATS 91-32, 2004-7, AND 2014-1. BOTH BASIS BEARING CORNERS ARE AS DESCRIBED AND DETAILED ON THIS PLAT.
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING, AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES IN U.S. SURVEY FEET.
3. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10,000.
4. WHERE MEASURED BEARINGS AND DISTANCES DIFFER FROM RECORD, THOSE OF RECORD ARE SHOWN IN PARENTHESIS.
5. THE PURPOSE OF THIS SURVEY AND PLAT IS TO SUBDIVIDE LOTS 5A AND 7A1, AS DEPICTED, PLATTED AND PRESENTED UPON ENGINEERING PLAT FILE NO. 200140052 (RECORDED AS PLAT #2016-5, JRD), IN TO FOUR LOTS, TO BE CALLED "SHERRY SUBDIVISION," LOTS 2 AND 3 OF WHICH ARE TO BE DESIGNATED AS CONSERVATION LOTS. THIS PLAT HONORS AND REMEMBERS SHERRY EPPERSON, WHO WAS BORN AND RAISED IN JUNEAU, LIVED IN THE HOUSE ON LOT 4, WAS A DEVOTED MOTHER, TRUE FRIEND, AND KIND OF HEART, BUT WHOSE LIFE WAS CUT SHORT BY CANCER.
6. THE NATURAL MEANDERS OF THE MEAN HIGH WATER LINE FORM THE TRUE BOUNDS OF LOTS 2 AND 3. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR AREA COMPUTATIONS ONLY. THE TRUE CORNERS ARE ON THE EXTENSION OF THE SIDELINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
7. EFFECTIVE AUGUST 19, 2013, PARTS OF THESE PROPERTIES ARE LOCATED IN A "VE" FLOOD HAZARD AREA ACCORDING TO THE COMMUNITY PANELS #02110C-1531D & #02110C-1532D OF THE CITY AND BOROUGH OF JUNEAU, ALASKA, FLOOD INSURANCE RATE MAP (FIRM), DATED AUGUST 19, 2013. SPECIAL REGULATIONS MAY APPLY.
8. RECORD INFORMATION DERIVED FROM THE PLAT DEPICTING, AND FIELD NOTES DESCRIBING U.S. SURVEY 2125; PLAT #307 ("SUNNY POINT SUBDIVISION"); PLAT #544 (ACCREDITED LANDS ADJACENT TO U.S. SURVEY 2125 - BY JAMES G. KING); PLAT #91-32 ("LOT 5A AND LOT 6A, BLOCK 2, SUNNY POINT SUBDIVISION A REPLAT OF LOT 5 AND LOT 6, BLOCK 2, SUNNY POINT SUBDIVISION, LOCATED WITHIN U.S.S. 2125"); PLAT #92-55 ("TRACT 1, LOT J & TRACT 2, LOT 3, U.S. SURVEY NO. 2475, A SUBDIVISION OF THE RESUBDIVISION OF LOT 3, U.S.S. 2475"); PLAT #2000-37 ("RECORD OF SURVEY PLAT ACCREDITED LANDS ADJACENT TO U.S. SURVEY NO. 2125, LOT 1A SUNNY POINT SUBDIVISION"); PLAT #2008-4 ("ALASKA STATE LAND SURVEY 2003-48 LOT 1A1, SUNNY POINT SUBDIVISION..."); PLAT #2011-10 ("BRANTA SUBDIVISION A REPLAT OF LOT 1A1, SUNNY POINT SUBDIVISION ACCORDING TO ALASKA STATE LAND SURVEY NO. 2003-48 WITHIN U.S. SURVEY 2125"); PLAT #2014-1 ("ALASKA STATE LAND SURVEY NO. 2010-47 A PLAT OF HINZ II A SUBDIVISION OF TRACT 2, LOT J, USS 2475 AND ACCRETION"); PLAT #2016-5 ("ENGINEERING PLAT FILE NO. 20140052, LOT 5A1 AND 7A, BLOCK 2 OF SUNNY POINT SUBDIVISION, AND ACCREDITED LANDS, WITHIN U.S. SURVEY 2125"). ALL OF THE ABOVE NOTED DOCUMENTS ARE ON FILE AT THE RECORDER'S OFFICE IN THE JUNEAU RECORDING DISTRICT.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	DIRECTION	C. LENGTH
C1	155.45	44.88	198°27'08"	S38°27'00"W	88.60
R1		(45.00)			
R2	(154.83')	(44.94)	(197°24'14")	(S38°01'01"W)	(88.84)
C2	72.46	44.79	92°41'14"	N72°35'23"E	64.81
R1	(72.80)	(45.00)	(92°41'31")		(65.12)

MEANDER LINE TABLE LOT 5A1		
LINE	LENGTH	BEARING
1	49.71'	S54°44'02"W
2	50.00'	S69°03'03"W

CERTIFICATE OF APPROVAL CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

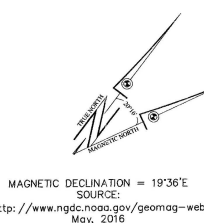
I hereby certify that the plat shown hereon has been found to comply with Title 49 of the Code of the City and Borough of Juneau, and is approved by the City and Borough of Juneau Department of Community Development for recording in the Office of the Juneau Recording District, Juneau, AK.

Director, City & Borough of Juneau
Department of Community Development



CONSERVATION LOT NOTE

THIS SUBDIVISION IS CREATED IN ACCORDANCE WITH THE TERMS SET FORTH IN CITY AND BOROUGH OF JUNEAU ORDINANCE NO. 2015-15(C), LOTS 2 AND 3 OF SHERRY SUBDIVISION ARE CONSERVATION LOTS UPON WHICH NO BUILDING DEVELOPMENT IS TO BE PERMITTED. "BUILDING DEVELOPMENT" MEANS: CONSTRUCTION, ENLARGEMENT OF ANY STRUCTURES HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS AND INTENDED FOR THE SHELTER, HOUSING OR ENCLOSURE OF PERSONS, ANIMALS, PROCESSES, EQUIPMENT, GOODS OR MATERIALS, OR ANY SITE WORK IN PREPARATION OR ANTICIPATION OF SUCH CONSTRUCTION, RECONSTRUCTION, OR ENLARGEMENT.



STATEMENT OF OWNERSHIP

We hereby certify that we are the owners of Lot 5A1 of Engineering Plat File No. 20140052 (plat #2016-05, JRD); (a replat of Lot 5) Block 2, of Sunny Point Subdivision, within U.S. Survey 2125, as shown and described hereon and that we hereby adopt this plat of subdivision with our free consent, and dedicate all streets, alleys, walks and other open spaces to public or private use as noted.

Francis J. Rue III

7083 Hendrickson Road

Juneau, AK 99801

Sarah J. Rue

7083 Hendrickson Road

Juneau, AK 99801

11-10-2016

Date:

11/10/16

Date:

NOTARY PUBLIC

LINDA K. PRICE

STATE OF ALASKA

MY COMMISSION EXPIRES DECEMBER 2, 2017

NOTARY ACKNOWLEDGEMENT

United States of America

State of Alaska

This is to certify that on this 10 day of November 2016

before me the undersigned, a Notary Public in and for the State of

Alaska, duly commissioned and sworn, personally appeared Francis J.

Rue III, and Sarah J. Rue, to me known to be the persons described

in and who executed the above and foregoing instrument, and

acknowledged to me that they signed and sealed the same freely and

voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate

first above written.

Notary Public for Alaska

My commission expires: 12/02/2017

STATEMENT OF OWNERSHIP

We hereby certify that we are the owners of Lot 7A of Engineering Plat File No. 20140052 (plat #2016-05, JRD), within Block 2 of Sunny Point Subdivision, within U.S. Survey 2125, as shown and described hereon and that we hereby adopt this plat of subdivision with our free consent, and dedicate all streets, alleys, walks and other open spaces to public or private use as noted.

Fritz Moser

7081 Hendrickson Road

Juneau, AK 99801

Patty Moser

7081 Hendrickson Road

Juneau, AK 99801

11-14-2016

Date:

11-14-2016

Date:

NOTARY PUBLIC

STATE OF ALASKA

OFFICIAL SEAL

SCARA T. KROCK

NOTARY PUBLIC

MY COMMISSION EXPIRES 09/09/2018

NOTARY ACKNOWLEDGEMENT

United States of America

State of Alaska

This is to certify that on this 14 day of November 2016

before me the undersigned, a Notary Public in and for the State of

Alaska, duly commissioned and sworn, personally appeared Fritz and

Patty Moser, to me known to be the persons described in and who

executed the above and foregoing instrument, and acknowledged to me

that they signed and sealed the same freely and voluntarily for the

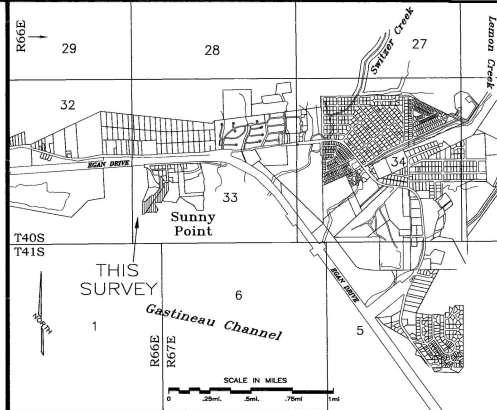
uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate

first above written.

Notary Public for Alaska

My commission expires: 9/9/2018



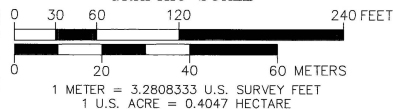
VICINITY MAP

SOURCE: U. S. GEOLOGICAL SURVEY QUADRANGLE
JUNEAU (B-2) SW, ALASKA
DATE: 1986 (PROVISIONAL EDITION)
AND CITY & BOROUGH OF JUNEAU GIS PROPERTY
DATABASE CIRCA 2008
SCALE: 1" = 1/2 MILE

LEGEND

- ⊕ G.L.O. BRASS CAP PRIMARY MONUMENT RECOVERED
 - ⊕ PRIMARY MONUMENT RECOVERED
 - SECONDARY MONUMENT RECOVERED (6282-S, OR AS DETAILED).
 - ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY (3 1/4" ALUMINUM CAP ON 36" X 2 1/2" ALUMINUM PIPE)
 - SECONDARY MONUMENT RECOVERED (SET DURING PLAT 2016-5, "RV DAVIS")
 - SECONDARY MONUMENT SET THIS SURVEY
 - PROPERTY LINE (MEASURED THIS SURVEY)
 - SURVEYED LINE (BY OTHERS)
- R1 = PLAT #307
R2 = PLAT #91-32
R3 = PLAT #92-55
R4 = PLAT #2000-37
R5 = PLAT #2008-4 & #2011-10
R6 = PLAT #2014-1
R7 = PLAT #544
(SEE "B" UNDER "NOTES" FOR MORE INFORMATION ON DOCUMENTS AND SURVEYS OF RECORD).

GRAPHIC SCALE



PLAT OF

SHERRY SUBDIVISION

A SUBDIVISION OF

LOT 5A1 AND LOT 7A

PLAT 2016-05, JRD

U.S. SURVEY 2125

CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS, LOT 5A1:
FRANCIS J. RUE III & SARAH J. RUE
7083 HENDRICKSON RD.
JUNEAU, AK 99801

OWNERS, LOT 7A:
FRITZ & PATTY MOSER
7081 HENDRICKSON ROAD
JUNEAU, AK 99801

DATES OF SURVEY:

BEGINNING: 02/02/14

ENDING: 03/24/14

DRAWN BY: RVD

DATE: 06/01/2016

SURVEYOR:

RANDAL V. DAVIS, PLS

9240 N. DOUGLAS HWY.

JUNEAU, AK 99801

(907) 209-3400

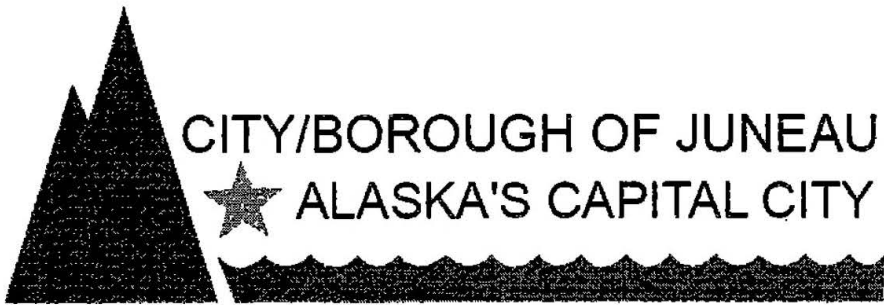
RVD@GCI.NET

CHECKED BY: RVD

SCALE: 1" = 60'

SHEET 1 OF 1

Juneau 2016-37



Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-5218 Phone
(907) 586-5367 Fax

CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

FRITZ MOSER and PATTY MOSER

Current Owner

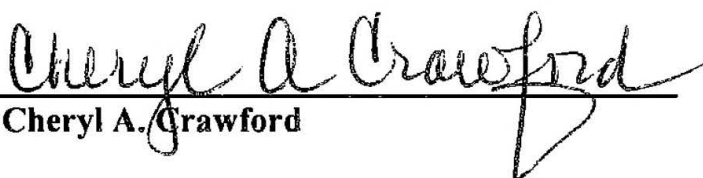
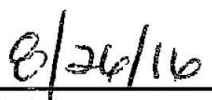
SUNNY POINT BL 2 LT 7A

Legal Description

5-B14-0-103-010-1

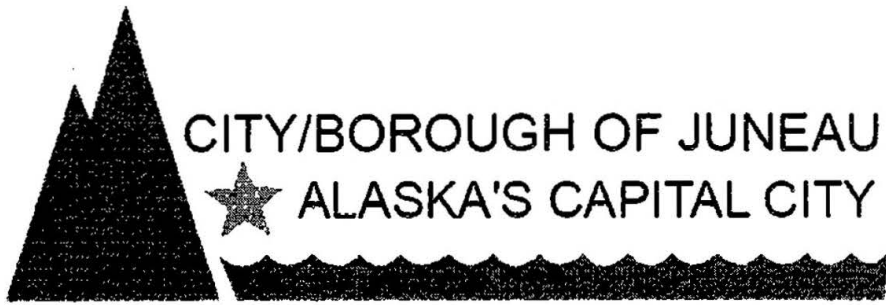
Parcel Code Number

and that, according to the records in my possession, there have been no taxes assessed on this parcel due to the parcel being created subsequent to the last taxes assessed (for the 2016 tax year) and prior to the next taxes to be assessed (for the 2017 tax year).


Cheryl A. Crawford

Date

This Certification of Payment of Taxes is valid through December 31, 2016

Juneau 2016-3



Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-5218 Phone
(907) 586-5367 Fax

CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

FRANCIS J RUE III and SARAH J RUE

Current Owner

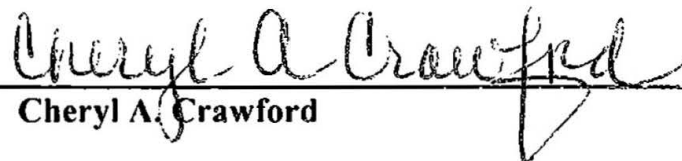
SUNNY POINT BL 2 LT 5A1

Legal Description

5-B14-0-103-009-1

Parcel Code Number

and that, according to the records in my possession, there have been no taxes assessed on this parcel due to the parcel being created subsequent to the last taxes assessed (for the 2016 tax year) and prior to the next taxes to be assessed (for the 2017 tax year).

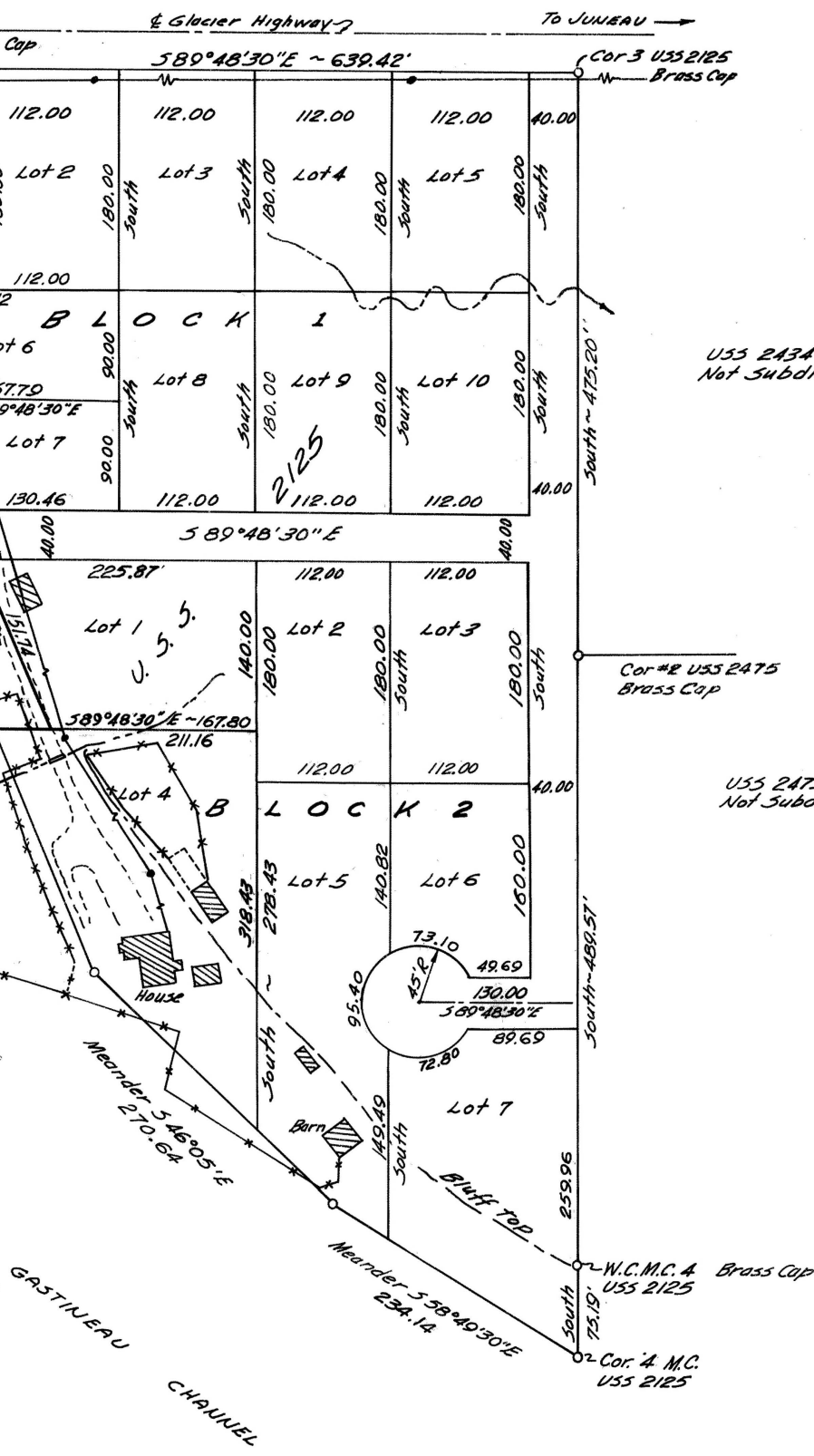

Cheryl A. Crawford

8/26/16
Date

This Certification of Payment of Taxes is valid through December 31, 2016

ss. }
PRECINCT }
I, 15th day of November, 1961, before me,
a Notary Public in and for the State of Alaska, duly commissioned and
y appeared FLOYD S. EPPERSON and GWEN S. EPPERSON, owners of Sunny Point
near Recording Precinct, to me known and known to me to be the persons who
claration of Ownership and Dedication of Sunny Point Subdivision, and
me that they signed the same freely and voluntarily for the uses and
in mentioned.

Glen A. Prince
Notary Public for Alaska
My Commission Expires: July 19, 1964



Area USS 2125 = 10.64 Acres

CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, AND OTHER OPEN OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

SEPTEMBER 23, 1961

IT: Blair Bell
IT: Marj Campbell

Floyd S. Epperson
Gwen S. Epperson
H.C. Leaga
DISTRICT MAGISTRATE
JUNEAU, ALASKA

CERTIFICATE OF REGISTERED ENGINEER
I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

SEPTEMBER 21, 1961

Bruce A. Campbell
BRUCE A. CAMPBELL
REGISTERED ENGINEER NO. 598-E

CERTIFICATE OF APPROVAL BY THE BOARD
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE JUNEAU DOUGLAS PLATTING BOARD AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 89 DATED OCT 3, 1961 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, JUNEAU, ALASKA.

OCT. 9, 1961

ATTEST: Charles H. Jones
CHAIRMAN, JUNEAU DOUGLAS PLATTING BOARD
Bjorne Olsen
CLERK

#307



SUNNY POINT SUBDIVISION
USS 2125
FLOYD EPPERSON

BUILDING PERMIT CITY AND BOROUGH OF JUNEAU, ALASKA

BUILDING PERMIT NO. 11095

Owner's Name Robert P. Beck
Address 136, 13th St Phone 586-3173
Contractor's Name Self

VALUATION

--	--	--	--	--	--	--	--	--	--

 Building Official

--	--	--	--	--	--	--	--	--	--

 Assessor 9430084

Address/License _____ Phone _____
LOCATION OF PROJECT SUNNY POINT
Juneau () Douglas () Rural (☒)
LOT 5 BLOCK 2 SUBDIVISION Sunny Pt

FEES
Structure \$ 219.00
Plan Check \$ 10.00
Sewer _____
Water _____
Street _____
Sidewalk _____
Other Charges 50
Total \$ 328.50

U. S. SURVEY 2125 And Tract/Lot _____
Occupancy Group _____ Fire Zone _____
Construction Type _____ Building Zone _____
Area or Volume 1901 (living) 436 (garage)
(CUBIC/SQUARE FT.)

RECEIPT NUMBER _____
DATE PLANS SUBMITTED _____
DATE RECEIVED _____
APPROVALS:
ZONING ADMINISTRATOR X JP Date Approved 6-14-77
FIRE MARSHALL N/A
SANITARIAN BRS 5-13-77
PUBLIC WORKS N/A
BUILDING OFFICIAL [Signature] June 14, 77

REMARKS: Zone (C) front yard set back approved per variance of 6-13-77

PROTECTIVE INSPECTIONS

Building _____
Plumbing _____
Electrical _____
Heating _____
Air Conditioning _____

PUBLIC WORKS

Street (new) _____
Street Cut _____
Sidewalk _____
Sewer _____
Water _____

CLASS OF WORK: New ☒ Addition _____ Repair _____ Alteration _____
Residential : ☒
Mobile Home : _____
Commercial : _____
Industrial : _____

New Residence Address 7083 Henrickson Rd

BUILDING TYPE AND USE		HEAT		PLUMBING			BUILT-IN'S	
Single	Double	Stove	Space Heater		B	1st 2nd	D. I. Stove & Oven	
Other	# Stories	Floor Furnace		# Tubs			Oven Built-In	
Basement	Frame	Hot Air Forced		# Toilets			Range Built-In	
Concrete	Block	Radiant		# Basins			C. T. Range	
Log	Other	Hot Water	Zoned	# Kitchen Sinks			Hood & Fan	
FRAME		# Chimneys		# Shower Stalls			Dishwasher	
Walls	X	Kind		# Exhaust Fans			Disposal	
Floor	X	FIREPLACES		# Laundry Trays				
Roof	X	Basement	Type	Hot Water Tanks				
		1st Floor	Type	# Gallons				
				Type				

DEMOLITION INFORMATION: _____ HOUSING DATA: 001
DATE DEMOLISHED: _____ No. of Living Units 1
No. of Bedrooms _____ Total Number _____

THIS DEPARTMENT MUST HAVE AT LEAST 48 HOURS NOTICE PRIOR TO ALL INSPECTIONS. HOWEVER, DURING WINTER, PLUMBING TEST INSPECTIONS SHALL BE BY APPOINTMENT ONLY. FOR CITY SEWER AND/OR WATER SERVICE INSPECTIONS CALL OR NOTIFY CITY AND BOROUGH ENGINEERING OFFICE AT 586-3300, EXT. 30 WITH A MINIMUM OF 24 HOURS NOTICE.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND CODES AND ORDINANCES OF THE CITY AND BOROUGH OF JUNEAU.

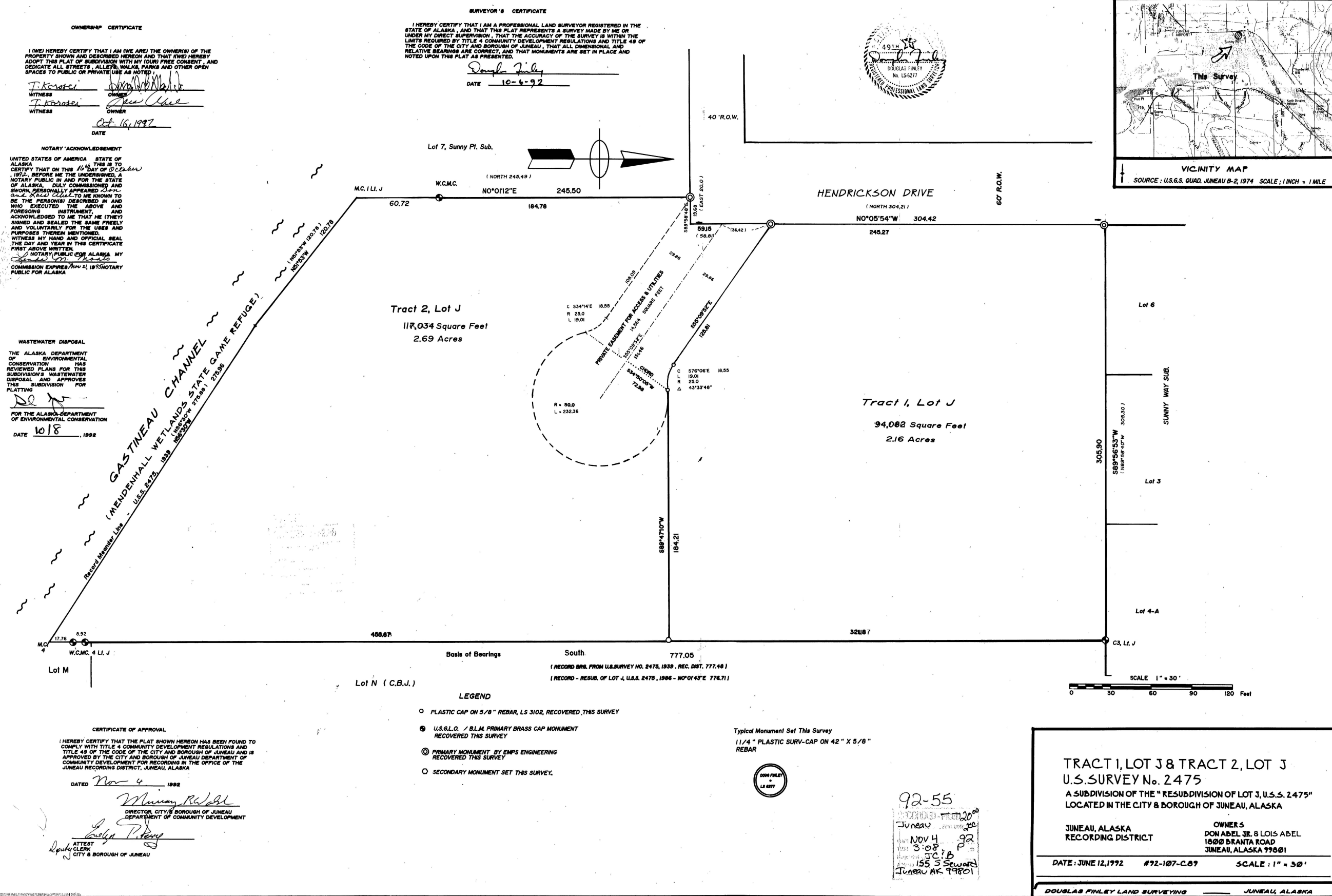
SIGNATURE: [Signature]
(Owner/Applicant)

DRAWINGS FILED UNDER THE NAME
MR./MRS./MS. Beck

(AFFADAVIT on Reverse side of application to be completed by authorized agent of owner)

Scale 1 to 5







Engineering Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

Date: July 8, 2024
To: Chair Cole and the Planning Commission
Through: Denise Koch,
Director, Engineering and Public Works
From: Bridget LaPenter, P.E.
Chief General Engineering
Subject: Hendrikson Road Right-of-Way Vacation

The General Engineering division has reviewed the right-of-way (ROW) vacation request for Hendrikson Road. The following findings were noted:

1. The Streets department does not maintain Hendrikson Road in the winter or grade it in the summer and has no objections to the proposed vacation.
2. No properties will be landlocked due to the vacation of the cul-de-sac.
3. Capital City Fire and Rescue has approved the existing hammerhead-style turnaround arrangement in an adjacent access easement.
4. A 10-foot access and utility easement has been included in the proposed plat to allow the Water division to access and maintain the water line on private property.
5. Wastewater infrastructure is not affected by the vacation.

For these reasons, the General Engineering division has no objections to the proposed Hendrikson Road ROW vacation.



PLANNING COMMISSION STAFF

PARKING WAIVER PWP2024 0003
HEARING DATE: JULY 23, 2024

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: July 15, 2024

TO: Mandy Cole, Chair, Planning Commission

BY: Ilsa Lund, Planner I *Ilsa Lund*

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a parking waiver to waive one (1) required parking space for an accessory apartment.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- The lot is located outside of the Town Center Parking Area (TCPA).
- The lot is comprised of a steep slope and unable to accommodate on-site parking.
- Public transportation is within a seven (7)-minute walking distance.
- The proposal complies with adopted plans, which contain policies promoting in-fill housing development.

GENERAL INFORMATION	
Property Owner	Hali Duran
Applicant	Hali Duran & Ericka Michelle Lee
Property Address	120 West Ninth Street
Legal Description	GOLDEN BELT ADDITION BL 2 LT D
Parcel Number	1C030F020010
Zoning	D10 (Multi-Family)
Land Use Designation	Medium Density Residential (MDR)
Lot Size	2,869 sq. ft./ 0.0659 acre
Water/Sewer	City & Borough of Juneau
Access	Dixon St./ W. Ninth St.
Existing Land Use	Residential
Associated Applications	USE2024 0011

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.30.270
 - CBJ 49.40.210(d)(6)
 - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.40.210(d)(6) PARKING WAIVERS. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D10)	Residential
South (ROW)	W Ninth Street
East (D10)	Residential
West (D10)	Residential

SITE FEATURES

Anadromous	None
Flood Zone	Zone X
Hazard	No
Hillside	Yes, slope ~44%
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District, Urban/ Rural Mining District, Alternative Development Overlay District (ADOD)

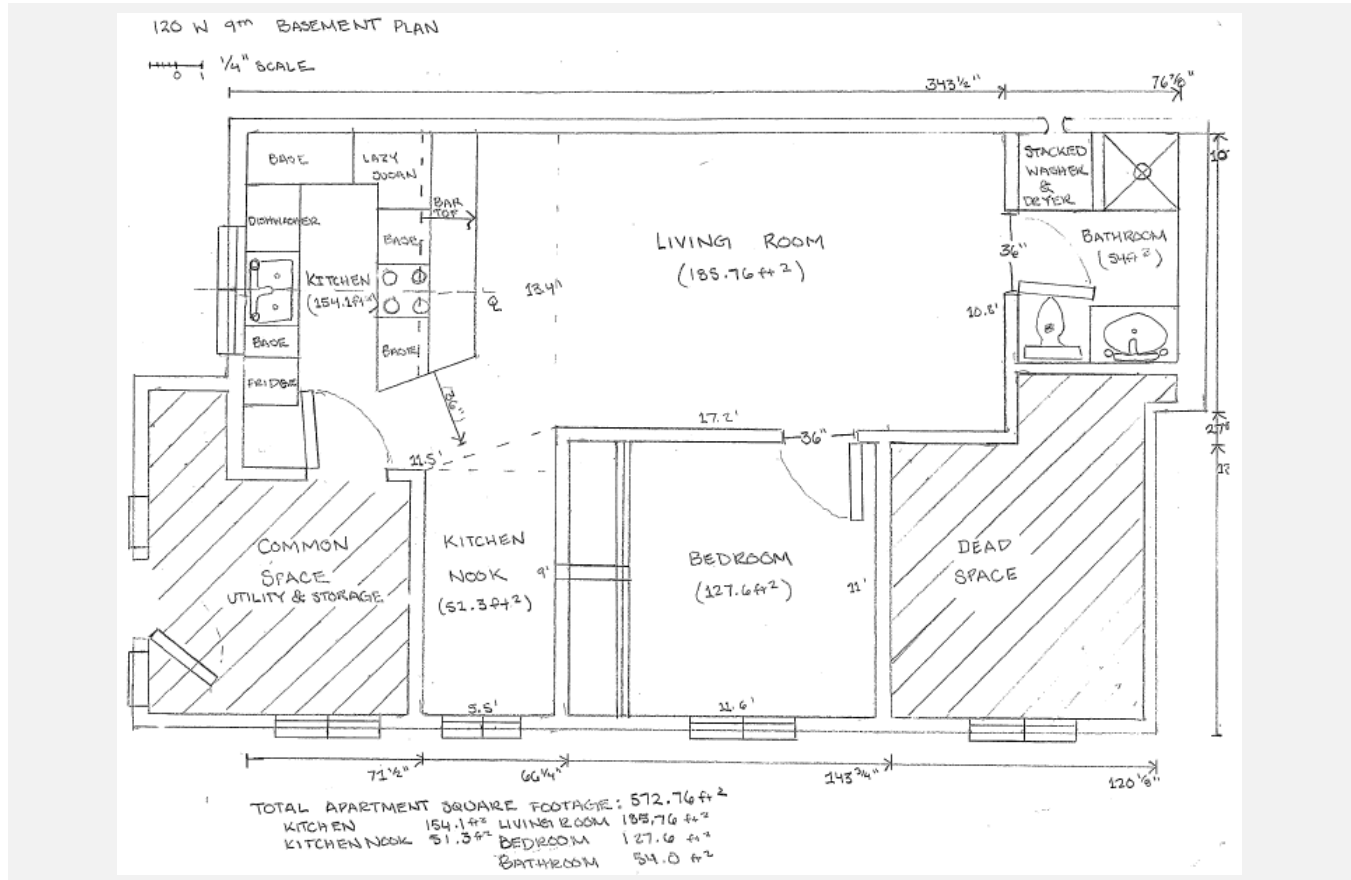
BACKGROUND INFORMATION

Project Description – The applicant requests a Parking Waiver to waive one (1) required parking space for an accessory apartment in a D10 zoning district (Attachment A). This application is associated with Conditional Use Permit application USE2024-0011 (USE24-11). The approximately 573 square feet accessory apartment will be located in the basement of the existing single-family dwelling that has been certified nonconforming for setbacks, lot size, and parking. Due to the steep slope on which the single-family dwelling is located, on-site parking is not feasible.

Background - The table below summarizes relevant history for the parcel and proposed development. Duplicative supporting documentation is attached to the USE24-11 Staff Report as indicated.

Item	Summary
1913 Plat	Plat 1913-2 shows the original lot dimensions (USE24-11, Attachment B).
1914 Sanborn Map	Date of construction (USE24-11, Attachment C).
1974 As-Built Survey	Shows location of structure on lot 1, prior to subdivision (USE24-11, Attachment D).
1981 Plat	Plat 81-43 shows subdivision of lots 1 and 2 (USE24-11, Attachment E).
1993 As-Built Survey	Setbacks, lot coverage, lot topography (USE24-11, Attachment G).
1993 Variance	VR-52-93 allows for a zero foot side yard setback, with conditions (USE24-11, Attachment H).
2021 Nonconforming Certification Review	Certified nonconforming for lot, structure, and parking (USE24-11, Attachment K).

SITE PLAN

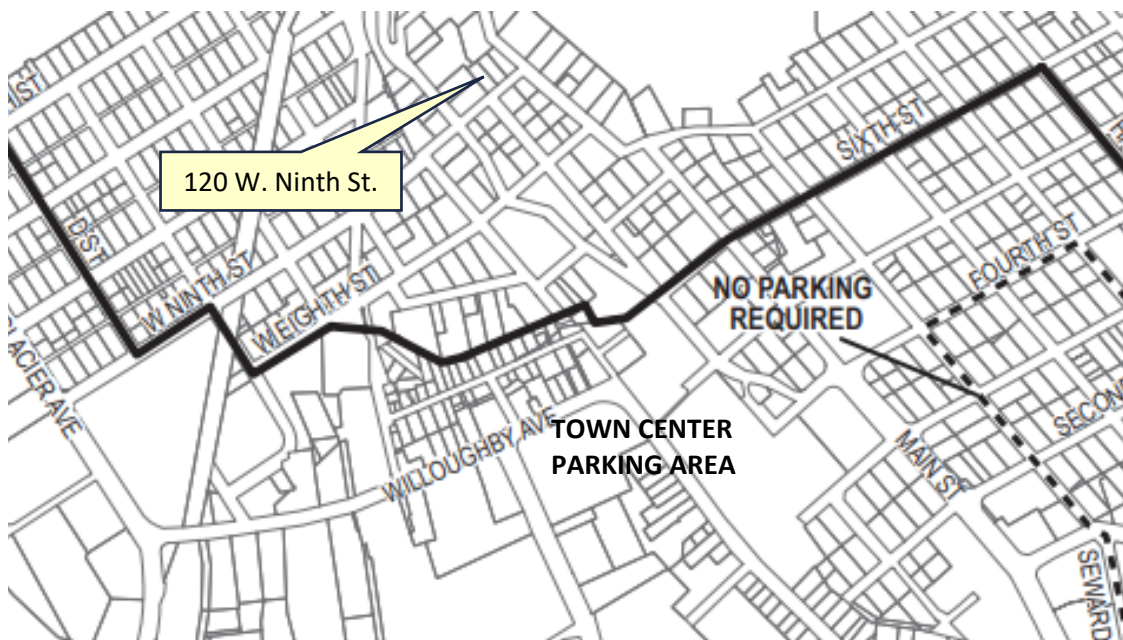


ANALYSIS

Project Site – The lot is located in the Chicken Ridge neighborhood at the intersection of Dixon Street and W. Ninth Street. The three-story single-family dwelling was built in 1914 and is listed in the CBJ Historic Structures Database as the Freeburger House. The lot is comprised of a steep slope of approximately 44% grade and the rear lot line abuts properties on Calhoun Avenue and Goldbelt Avenue. Because construction is taking place within the existing structure, a hillside development endorsement is not required. No parking is allowed on the street along this section of W. Ninth Street, but parking is allowed on the street along Dixon Street and the upper section of Goldbelt Avenue.

Project Design – The proposed one bedroom accessory apartment measures approximately 573 sq. ft. and will have one (1) bathroom, a kitchen, bathroom, and living area. Due to the size restraints for accessory apartments in CBJ 49.25.510(k)(2)(A), “dead space” has been included in the site plan to reduce the gross square footage of the accessory apartment. Additionally, the entryway of the accessory apartment will be used for utilities and common storage in accordance with CBJ49.25.510(k)(2)(B). The accessory apartment will be located within the basement of the existing single-family dwelling and will not aggravate the existing nonconforming yard setback situation.

Vehicle Parking & Circulation – The lot is located outside of the Town Center Parking Area (TCPA) and the No Parking Required Area (NPRA) per CBJ 49.40.200. According to CBJ 49.40.210(a), one (1) additional off-street parking space is required for the proposed accessory apartment (USE24-11). The steepness of the lot and nonconforming setbacks prevent off-street parking from being provided on-site. If the Parking Waiver is not granted, the accessory apartment likely cannot be constructed due to the unavailability of on-site parking.





Use	Total Sq. Ft.	Spaces Required	Total Spaces
Single-family dwelling	1504	2	0*
Accessory Apartment	573	1	0
Total Parking Requirement:			1
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			0

*Certified nonconforming.

According to CBJ 49.30.400, nonconforming situations may not be aggravated. If the parking waiver is granted, providing zero off-street parking spaces for the proposed development would not be considered an aggravation to the existing nonconforming parking situation, per CBJ 49.30.400(a).

Condition: None.

Impacts to Nearby On-street Parking – On-street parking is not allowed on this section of W. Ninth Street as depicted in the photographs above. On-street parking is allowed on one side of both Dixon Street and Goldbelt Avenue. On June 28, 2024, staff performed a site visit to evaluate on-street parking in the area and found multiple parking spaces available within a one

block radius along Dixon Street, Goldbelt Avenue, Main Street, and Seventh Street. Waiving one (1) off-street parking space should not have a significant impact on nearby on-street parking.

Condition: None.

Non-motorized Transportation – The lot is within a 1/3 mile walking distance from downtown. The Dixon Street right-of-way is approximately 30 feet wide, with a sidewalk provided on one (1) side of the street. This section of W. Ninth Street has a concrete barrier to protect pedestrians from vehicles navigating around the sharp turns. The downtown area and surrounding neighborhoods are identified as a walkable area with provisions for pedestrians.

Condition: None.

Proximity to Transit – The two (2) closest bus stops are approximately equidistance within 0.3 mile on Fourth Street and Willoughby Avenue, an approximately seven-minute walk from the property. The 2013 Comprehensive Plan promotes *Transit Oriented Development*, and allows for higher residential densities within a five to ten minute walking distance to public transit service.

Condition: None.

Public Health or Safety – There is no evidence to suggest that the proposed development will materially endanger the public health, safety, and welfare.

Condition: None.

Property Value or Neighborhood Harmony – There is no evidence to suggest that the proposed development will be out of character with the existing neighborhood, or that it would reduce property values of neighboring properties. The lot is in a D10 multi-family zoning district and is surrounded by residential uses. Compact, in-fill development is generally in character with the higher density residential neighborhood and is encouraged in the 2013 Comprehensive Plan.

Condition: N/A

AGENCY REVIEW

CDD conducted an agency review comment period between June 20, 2024, and July 8, 2024. Agency review comments can be found in USE24-11, Attachment L.

Agency	Summary
Building Division	No comment submitted.
General Engineering	No comment submitted.
Capital City Fire and Rescue	No concerns.

PUBLIC COMMENTS

CDD conducted a public comment period between June 26, 2024, and July 19, 2024. Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. Public comments submitted at time of writing this staff report can be found in USE24-11, Attachment N.

Name	Summary
Thomas Young-Bayer (839 Dixon St.)	Opposed.
Karen Blejwas (820 Dixon St.)	Opposed. (Verbal)
Robert and Shawn Hatt-Cohen (112 W. Ninth St.)	Opposed.
Roman Motyka (835 Dixon St.)	Opposed.
Jullie Willoughby (820 Dixon St.)	Opposed.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2015 Juneau Economic Development Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	3	20	Policy 3.2	Promotes compact urban development within the designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective

PLAN	Chapter	Page No.	Item	Summary
				provisions of community services and facilities.
	4	37	Policy 4.2	Facilitates the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.
	11	147	Land Use Designation	Complies with the <i>Medium Density Residential – Single Family</i> land use designation; this land use designation allows single-family dwellings with accessory apartments.
2015 Juneau Economic Development Plan	A-6	118	2	D-18, as a higher density zoning district (specifically downtown), generates the highest tax revenue per acre of any strictly residential zoning district.

FINDINGS

Parking Waiver Criteria - Per CBJ 49.40.210(d)(6)(1-4) the Director makes the following findings on the proposed parking waiver:

1. Will granting the waiver result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan?

Analysis: The 2013 Comprehensive Plan identifies the need for compact, in-fill development within the urban service area. The proposal will provide one additional dwelling unit to Juneau’s housing market. The Comprehensive Plan promotes *Transit Oriented Development*, and this proposal could encourage the use of public transportation.

Finding: Yes. Granting the requested parking waiver will result in more benefits than detriments to the community as a whole, as identified in the 2013 Comprehensive Plan.

2. Is the development located within the Town Center Parking Area or the No Parking Area Required?

Analysis: No further analysis is required.

Finding: No. The subject parcel is located outside of the above listed parking districts.

3. Will granting the waiver result in adverse impacts to property in the neighboring area?

Analysis: Available on-street parking spaces that meet parking dimensional standards are located within a 500 foot radius from the property. Public transportation is located within a 1/3 mile walking distance from the property.

Finding: No. There is no evidence to suggest that with appropriate conditions, granting the requested waiver will result in adverse impacts to neighboring properties.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, granting the requested waiver will materially endanger the public health or safety.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested parking waiver. The permit would waive one (1) parking space for the proposed accessory apartment.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
USE24-11, Attachment M	Abutters Notice and Public Notice Sign Photo
USE24-11, Attachment L	Agency Comments
USE24-11, Attachment N	Public Comments



PARKING WAIVER APPLICATION

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

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

To be completed by Applicant	PROJECT SUMMARY 120 w. 9th currently contains a three-story, single-family dwelling. I would like to convert the basement level of the structure into a 598 square foot accessory apartment. The property has been certified as nonconforming for single-dwelling parking and this request is for waiver of an additional parking space as required for the accessory apartment, CBJ 49.40.220 as the topography is a constraint to this requirement.
	TYPE OF PARKING WAIVER REQUESTED (check one) <div style="display: flex; justify-content: space-around;"> <div> MINOR DEVELOPMENT <input type="radio"/> Parking Waiver Departmental Review (PWD) </div> <div> MAJOR DEVELOPMENT <input checked="" type="radio"/> Parking Waiver Planning Commission Review (PWP) </div> </div>
	DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one) <input checked="" type="radio"/> Existing <input type="radio"/> Proposed – Related Case Number: _____
	NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A) <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> For Residential Uses: <u>1</u> spaces <input type="checkbox"/> For Non-Residential Uses: <u>0</u> spaces </div>
	NUMBER OF PARKING SPACES THAT WILL BE PROVIDED <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> For Residential Uses: <u>0</u> spaces <input type="checkbox"/> For Non-Residential Uses: <u>0</u> spaces </div>
ALL REQUIRED MATERIALS ATTACHED <input checked="" type="checkbox"/> Complete application per CBJ 49.15 and CBJ 49.40.210(d)(6) <input checked="" type="checkbox"/> Narrative including: <input checked="" type="checkbox"/> Why the parking waiver is being requested? <input checked="" type="checkbox"/> How the requested waiver meets items 1-4 on page 2	

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

PARKING WAIVER FEES

Residential Spaces	_____	Non-Residential Spaces	_____
Residential Fee	\$ <u>320</u>	Non-Residential Fee	\$ _____
Total Residential	\$ <u>320</u>	Total Non-Residential	\$ _____
Total Fee		\$ <u>320</u>	

Sign paid for under CWP

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED


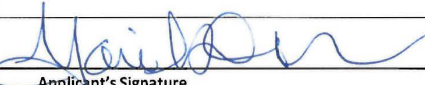
For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
PWP24-003	5/21/24



DEVELOPMENT PERMIT APPLICATION

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

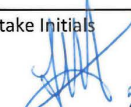
To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 120 W 9th St, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Golden Belt Addition, Block 2, Lot D		
	Parcel Number(s) 1C030F020010		
	<input checked="" type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Hali Duran	Contact Person Hali Duran	
	Mailing Address PO Box 21887, Juneau, AK 99802	Phone Number(s) 303-478-2132	
	E-mail Address hali.duran00@gmail.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u></u> <u>5/21/24</u> Landowner/Lessee Signature Date			
X _____ Landowner/Lessee Signature Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Same	Contact Person Same		
Mailing Address Same	Phone Number(s) Same		
E-mail Address Same			
X <u></u> <u>5/21/24</u> Applicant's Signature Date of Application			

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number PWP24-003	Intake Initials  5/21/24
	Date Received 5/21/24

May 21, 2024
Parking Waiver Application – Parcel No: 1C030F0200010
Applicant: Hali Duran, Owner

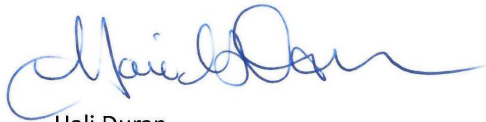
RE: 120 W. 9th Street
Juneau, AK 99801
Owner of Record: Hali Duran

Pursuant to 49.40.210 (d) Exceptions (6) Parking Waivers, my property at 120 W. 9th St, Juneau, AK has been certified as nonconforming for single-family dwelling parking and I am requesting an additional waiver be granted for the additional parking space required for the accessory apartment per CBJ 49.40.220.

To address the four findings and conditions addressed in the application instruction:

- 1) Juneau needs housing, and allowance of this waiver would result in additional housing for the community. The property is located in the dense downtown area and has sidewalks making it walkable, transit stops and access, and designated bike lanes and routes as alternative transportation options for residents.
- 2) The property is located outside of the town center parking area.
- 3) (See 1) Granting the waiver does not seem to result in adverse impacts to the property in the neighboring area as it downtown making it walkable as well as close to alternative transit options.
- 4) This waiver does not seem to materially endanger public health, safety, or welfare.

Thank you for your consideration and attention,



Hali Duran
Owner of Record
303-478-2132
Hali.duran00@gmail.com



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2024 0011
HEARING DATE: JULY 23, 2024

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: July 15, 2024
TO: Mandy Cole, Chair, Planning Commission
BY: Ilsa Lund, Planner I *Ilsa Lund*
THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit to construct a 573 square foot (sq. ft.) accessory apartment in the basement of an existing single-family dwelling in a D10 zoning district.

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- This accessory apartment will be constructed in the basement of an existing single-family dwelling.
- This property is certified nonconforming for setbacks, lot size, and parking (NCC2021 0076).
- Constructing the accessory apartment within the existing single-family dwelling will not aggravate the nonconforming setbacks situations.
- A Parking Waiver has been requested and is recommended for approval.

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.25.510(k)
 - 49.80

GENERAL INFORMATION	
Property Owner	Hali Duran and Ericka Michelle Lee
Applicant	Hali Duran
Property Address	120 West Ninth Street
Legal Description	GOLDEN BELT ADDITION BL 2 LT D
Parcel Number	1C030F020010
Zoning	D10 (Multi-Family)
Land Use Designation	Medium Density Residential (MDR)
Lot Size	2,869 sq. ft./ 0.0659 acre
Water/Sewer	City & Borough of Juneau
Access	Dixon St./ W. Ninth St.
Existing Land Use	Residential
Associated Applications	PWP2024 0003

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedures is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D10)	Residential
South (ROW)	W Ninth Street
East (D10)	Residential
West (D10)	Residential

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	No
Hillside	Yes, slope ~44%
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District, Urban/ Rural Mining District, Alternative Development Overlay District (ADOD)

BACKGROUND INFORMATION

Project Description – The applicant requests a Conditional Use Permit (CUP) to construct a 573 sq. ft. accessory apartment) within the basement of an existing single-family dwelling in a D10 zoning district (Attachment A).

According to CBJ 49.25.510(k)(2)(G)(ii), efficiency or one-bedroom accessory apartments under 600 sq. ft. are allowed in a multi-family zoning district with a Conditional Use Permit if the primary use of the lot is a single-family dwelling. In conjunction with this permit, the applicant has also applied for a Parking Waiver to waive one (1) required parking space for the accessory apartment (PWP2024 0003).

Background – The table below summarizes relevant history for the lot and proposed development.

Date	Item	Summary
1913	Plat	Plat 1913-2 shows the original lot dimensions (Attachment B).
1914	Sanborn Map	Date of construction (Attachment C).
1974	As-Built Survey	Shows location of structure on lot 1, prior to subdivision (Attachment D).

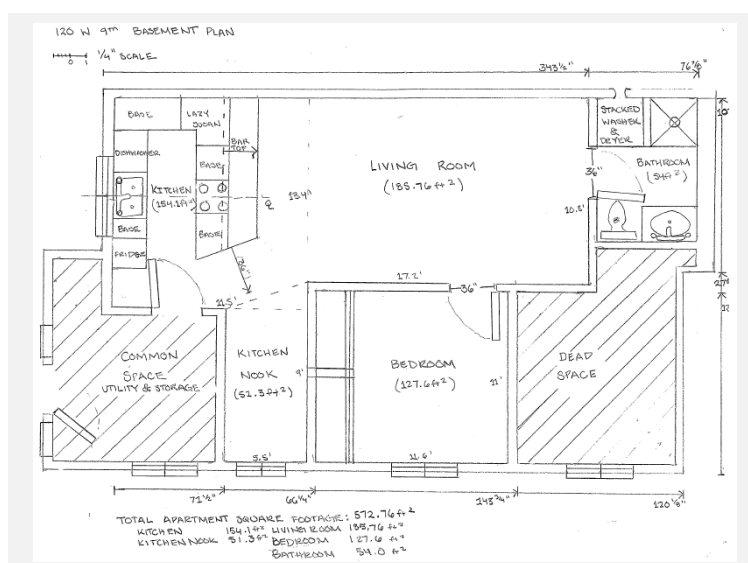
1981	Plat	Plat 81-43 shows subdivision of lots 1 and 2 (Attachment E).
1988	Building Permit	Permit BLD-0307201 for a split level deck (Attachment F).
1993	As-Built Survey	Setbacks, lot coverage, lot topography (Attachment G).
1993	Variance	VR-52-93 allows for a zero foot side yard setback, with conditions (Attachment H).
2021	Historic Structures Database	Information about historic nature of structure (Attachment I).
2021	As-Built Survey	Shows modified deck (Attachment J).
2021	Nonconforming Certification Review	Certified nonconforming for lot, structure, and parking (Attachment K).

ZONING REQUIREMENTS

Standard		Requirement (D10)	Existing	Code Reference
Lot	Size	6,000 square feet	2,869* square feet	49.25.400
	Width	40 feet	34 feet*	49.25.400
Setbacks	Front (SE)	20 feet	6.7 feet*	49.25.400
	Rear (NW)	20 feet	~25 feet	49.25.400
	Side (SW)	5 feet	2.2 feet* (to residential structure) 0 feet* (to side deck)	49.25.400
	Side (NE)	5 feet	7.2 feet (to residential structure) ~4 feet* (to rear deck)	49.25.400
Lot Coverage		50%	~32%	49.25.400
Height	Permissible	35 feet	~35 feet	49.25.400
	Accessory	25 feet	N/A	49.25.400
Maximum Dwelling Units (10/ Acre)		1	1	49.25.500
Use		Residential	Residential	49.25.300
Vegetative Cover		30%	~37%	49.50.300
Parking		2 spaces	0* spaces	49.40.210(a)

*Certified nonconforming (NCC2021 0076).

SITE PLAN



Fostering excellence in development for this generation and the next.

ANALYSIS

Project Site – The lot is located in the Chicken Ridge neighborhood at the intersection of Dixon Street and W. Ninth Street. The three-story single-family dwelling was built in 1914 and is listed in the CBJ Historic Structures Database as the Freeburger House. The lot is comprised of a steep slope of approximately 44% grade and the rear lot line abuts properties on Calhoun Avenue and Goldbelt Avenue. Because construction is taking place within the existing structure, a hillside development endorsement is not required. No parking is allowed on the street along this section of W. Ninth Street, but parking is allowed on the street along Dixon Street and the upper section of Goldbelt Avenue.

Project Design – The proposed one bedroom accessory apartment measures approximately 573 sq. ft. and will have one (1) bathroom, a kitchen, bathroom, and living area. Due to the size restraints for accessory apartments in CBJ 49.25.510(k)(2)(A), “dead space” has been included in the site plan to reduce the gross square footage of the accessory apartment. Additionally, the entryway of the accessory apartment will be used for utilities and common storage in accordance with CBJ49.25.510(k)(2)(B). The accessory apartment will be located within the basement of the existing single-family dwelling and will not aggravate the existing nonconforming yard setback situation.

Traffic – According to CBJ 49.40.300(a)(2) a traffic impact analysis is not required; the proposed development is anticipated to generate less than 250 Average Daily Trips (ADTs). Additional traffic generated by the accessory apartment is expected to be minimal, and is not expected to be out of character with the existing neighborhood.

Use	Per Unit	Trips Generated	Total Trips
Single-family dwelling	1	9.52	9.52
Accessory Apartment	1	6.65	6.65
Total ADTs:			16.17

Condition: N/A

Vehicle Parking & Circulation – According to CBJ 49.40.210(a), one (1) additional off-street parking space is required for the proposed accessory apartment. The applicants have applied for a parking waiver of one (1) off-street parking space (PWP2024-0003). If the Parking Waiver is not granted, the accessory apartment likely cannot be constructed due to the unavailability of on-site parking. Parking is discussed further in the staff report for PWP2024-0003.

Condition: Prior to issuance of a building permit, the applicants must demonstrate that the parking requirements are met.

Non-motorized Transportation – The lot is within a $\frac{1}{3}$ mile walking distance from downtown. The Dixon Street right-of-way is approximately 30 feet wide, with a sidewalk provided on one (1) side of the street. This section of W. Ninth Street has a concrete barrier to protect pedestrians from vehicles navigating around the sharp turns. The downtown area and surrounding neighborhoods are identified as a walkable area with provisions for pedestrians.

Condition: N/A

Proximity to Transit – The two (2) closest bus stops are approximately equidistance within 0.3 mile on Fourth Street and Willoughby Avenue, an approximately seven-minute walk from the property. The 2013 Comprehensive Plan promotes *Transit Oriented Development*, and allows for higher residential densities within a five to ten minute walking distance to public transit service.

Condition: N/A

Noise – Noise is not anticipated to be out of character with the existing residential neighborhood.

Condition: N/A

Lighting - According to CBJ 49.40.230(d), exterior lighting fixtures shall be “full cutoff” design. If new lighting is proposed, design will be verified during the building permit review process; however, no new lighting is proposed.

Condition: N/A

Vegetative Cover & Landscaping – A minimum of 30 percent vegetative cover is required in the D10 zoning district. 2023 GIS Aerial Imagery indicate that this requirement is met, and the accessory apartment will not expand the existing footprint of the single-family dwelling.

Condition: N/A

Habitat - There are no known habitats governed by the Title 49 land use code on the lot.

Condition: N/A

Drainage and Snow Storage – Any proposed grading or changes to drainage will be reviewed through the building permit review process.

Condition: N/A

Hazard Zones - The lot is not located within a mapped hazard area.

Condition: N/A

Public Health, Safety, and Welfare – There is no evidence to suggest that the proposed development, with the appropriate conditions, will materially endanger the public health, safety, and welfare.

Condition: N/A

Property Value or Neighborhood Harmony – There is no evidence to suggest that the proposed development will be out of character with the existing neighborhood, or that it would reduce property values of neighboring properties. The lot is in a D10 multi-family zoning district and is surrounded by residential uses. Compact, in-fill development is generally in character with the higher density residential neighborhood and is encouraged in the 2013 Comprehensive Plan.

Condition: N/A

AGENCY REVIEW

CDD conducted an agency review comment period between June 20, 2024, and July 8, 2024, and received the following responses and can be found in Attachment L:

Agency	Summary
Building Division	No comment submitted.

Agency	Summary
General Engineering	No comment submitted.
Capital City Fire and Rescue	No concerns.

PUBLIC COMMENTS

CDD conducted a public comment period between June 26, 2024, and July 19, 2024. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on-site two weeks prior to the scheduled hearing (Attachment M). Public comments submitted at time of writing this staff report can be found in Attachment N.

Name	Summary
Julie Willoughby- 820 Dixon St.	Opposed.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	3	20	Policy 3.2	Promotes compact urban development within the designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective provisions of community services and facilities.
	4	37	Policy 4.2	Facilitates the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.
	11	147	Land Use Designation	Complies with the <i>Medium Density Residential</i> land use designation.
2015 Juneau Economic Development Plan	A-6	118	2	Downtown Juneau generates the highest property tax return per acre.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested Conditional Use Permit complete?*

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct a full review of the proposed development. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Analysis: The application is for an accessory apartment within the basement of an existing, certified nonconforming single-family dwelling. The use is listed at CBJ 49.25.300, Section 1.130 for the D10 zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. *Will the proposed development comply with the other requirements of this chapter?*

Analysis: No further analysis needed.

Finding: Yes. With the recommended condition, the proposed development will comply with Title 49, including parking, lighting, and vegetative cover requirements.

4. *Will the proposed development materially endanger the public health, safety, or welfare?*

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that, with the recommended condition, the requested accessory apartment, in a D10 zoning district, will materially endanger the public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

Analysis: No further analysis is needed.

Finding: No. There is no evidence to suggest that, with the recommended condition, the requested accessory apartment, in a D10 zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. *Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?*

Analysis: Policies in the Comprehensive Plan call for compact, in-fill development within the Urban Service Boundary. Staff finds the proposed development is in general conformity with the land use designation identified in the Comprehensive Plan.

Finding: Yes. The proposed accessory apartment, with the recommended condition, will be in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of an accessory apartment within a certified nonconforming structure in a D10 zoning district.

The approval is subject to the following conditions:

1. **Prior to issuance of a building permit, the applicants must demonstrate that the parking requirements are met.**

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	<i>Application Packet</i>
Attachment B	<i>Plat 1913-2</i>
Attachment C	<i>1914 Sanborn Map</i>
Attachment D	<i>1974 As-built Survey</i>
Attachment E	<i>1981 Plat 81-43</i>
Attachment F	<i>1988 Building Permit for Deck</i>
Attachment G	<i>1993 As-built Survey</i>
Attachment H	<i>1993 Variance reducing side yard setbacks</i>
Attachment I	<i>2021 Historic Structures Database- Freeburger House</i>
Attachment J	<i>2021 As-built Survey</i>
Attachment K	<i>2021 Nonconforming Certification</i>
Attachment L	<i>Agency Comments</i>
Attachment M	<i>Public Notice Sign Photo and Abutters Notice</i>
Attachment N	<i>Public Comment</i>



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

PROJECT SUMMARY

120 W 9th currently contains a 3-story, single-family dwelling. I would like to convert the basement level of the structure into a 598 square foot accessory apartment.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

Accessory Apartment – Accessory Apartment Application (AAP)

Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 1.130

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

YES – Case # _____

NO

UTILITIES PROPOSED

WATER:

Public

On Site

SEWER:

Public

On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 2,869 square feet

Total Area of Existing Structure(s) 1,504 square feet

Total Area of Proposed Structure(s) 572.76 square feet

EXTERNAL LIGHTING

Existing to remain

No

(EXISTING LIGHTING TO REMAIN)

Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

No

Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

If this is a modification or extension include:

Narrative including:

Current use of land or building(s)

Description of project, project site, circulation, traffic etc.

Proposed use of land or building(s)

How the proposed use complies with the Comprehensive Plan

Notice of Decision and case number

Justification for the modification or extension

Application submitted at least 30 days before expiration date

Plans including:

Site plan

Floor plan(s)

Elevation view of existing and proposed buildings

Proposed vegetative cover

Existing and proposed parking areas and proposed traffic circulation

Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

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

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
	Fees			
Application Fees	\$ <u>350</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>750</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ _____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

USE24-011


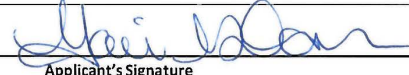
Date Received

5/21/24



DEVELOPMENT PERMIT APPLICATION

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


To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 120 W 9th St, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Golden Belt Addition, Block 2, Lot D		
	Parcel Number(s) 1C030F020010		
	<input checked="" type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Hali Duran	Contact Person Hali Duran	Phone Number(s) 303-478-2132
	Mailing Address PO Box 21887, Juneau, AK 99802		
	E-mail Address hali.duran00@gmail.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u></u> Landowner/Lessee Signature		Date <u>5/21/24</u>	
X _____ Landowner/Lessee Signature		Date _____	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Same	Contact Person Same	Phone Number(s) Same	
Mailing Address Same			
E-mail Address Same			
X <u></u> Applicant's Signature		Date of Application <u>5/21/24</u>	

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials 	Date Received <u>5/21/24</u>
Case Number <u>USE24-011</u>	

May 15, 2024
Conditional Use Permit Application – Parcel No: 1C030F020010
Applicant: Hali Duran, Owner
Address: 120 W. 9th ST., Juneau, AK 99801

RE: 120 W. 9th Street
Juneau, AK 99801

Owner of Record: Hali Duran

The Freeburger house on 120 W. 9th St. is zoned D10 Multifamily and is located within the Alternative Development Overlay District (ADOD). The site currently contains a three-story, single-family dwelling and has been issued a Nonconforming Certificate (NCC2021-0076) for lot size, structure setbacks and parking.

The project aims to redesign the interior, non-structural framing to increase the living capacity into a 2-unit dwelling. The existing basement level will be converted into an accessory apartment of 598 square feet, within compliance of CBJ 49.25.510 (k)(2)(G)(ii). This unit will be utilized as an additional residence, occupied by a lessee.

There are no changes to: The existing structure footprint, vegetation, or parking/traffic circulation (there will continue to be no site parking due to terrain constraints).

Regarding utilities, the accessory apartment will be isolated from the 1st and 2nd story and regulated on its own meter. All water utility will accommodate additional residents and comply with city codes. The dwelling will meet all code requirements including fire and sound requirements.

This application is being submitted to request from the commission and City and Borough of Juneau a conditional use for parcel number 1C030F020010 to allow zoning for an accessory apartment.

Best Regards,



Hali Duran
Owner of Record
303-478-2132
Hali.duran00@gmail.com

May 15, 2024
Conditional Use Permit Application – Parcel No: 1C030F020010
Applicant: Hali Duran, Owner
Address: 120 W. 9th ST., Juneau, AK 99801

1. Site Specifics

PARCEL	
Tax ID	1C030F020010 (assessor summary)
Owner(s)	Hali M Duran; Ericka Michelle Lee
Previous owner(s)	HALI M DURAN
Site address(es)	120 W Ninth St
Mail address(es)	120 W 9th St - Juneau, AK 99801; 120 W Ninth St - Juneau, AK 99801
Legal description	GOLDEN BELT ADDITION BL 2 LT D
Lot square feet	2,869
Lot acres	0.0659
Zoning	(D10) Multifamily
Road system	yes
Fire service	yes
Water available	yes
Sewer available	yes
Year built	1914
Living area	1504
Assessment year	2024
-- assessed value	\$16,100
-- land value	\$144,100
-- building value	\$372,000
-- exemptions	0
GIS Date	2024/05/15
DBMS Date	2024/05/15



CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY

Assessor's Database

Current Owner

ERICKA MICHELLE LEE
120 W NINTH ST, JUNEAU AK 99801

Parcel #: 1C030F020010 Address: 120 W NINTH ST
([Map](#))

Prev. Owner: HALI M DURAN

Use Code: Residential

No. of Units: 001

Garage: No

City Water: Yes

Exempt Land: 0

Second Owner

HALI M DURAN
120 W 9TH ST, JUNEAU AK 99801

Legal Desc. 1: GOLDEN BELT ADDITION BL 2 LT D

Building PV: \$372000.00

Zoning: -Multi-Family-6,000 sq.ft. minimum lot size -10 units per acre

Lot Size: 2869.00

Exempt Total: 0

Legal Desc. 2:

Total PV: \$516100.00

Tax Year: 2024

Gross Liv. Area: 001504 sqft

Last Trans: 20220808

Road/No Road: Roaded

Site Value: \$144100.00

Exempt: No Data

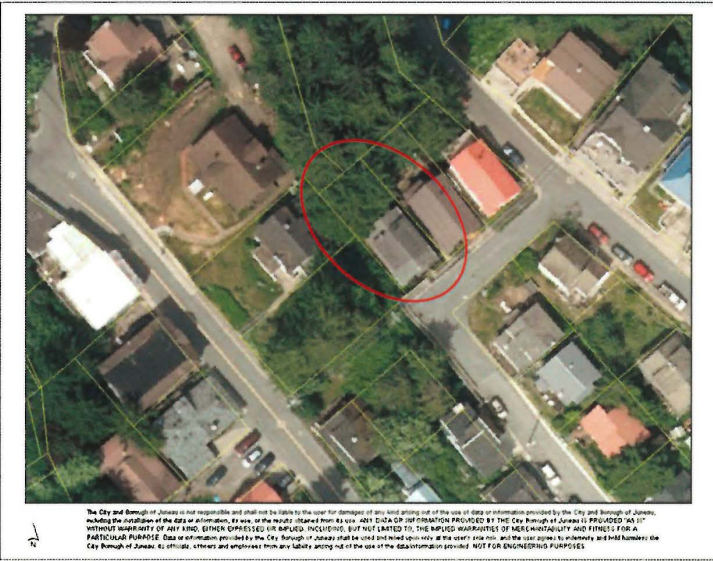
Year Built: 1914

Garage Area: 000000

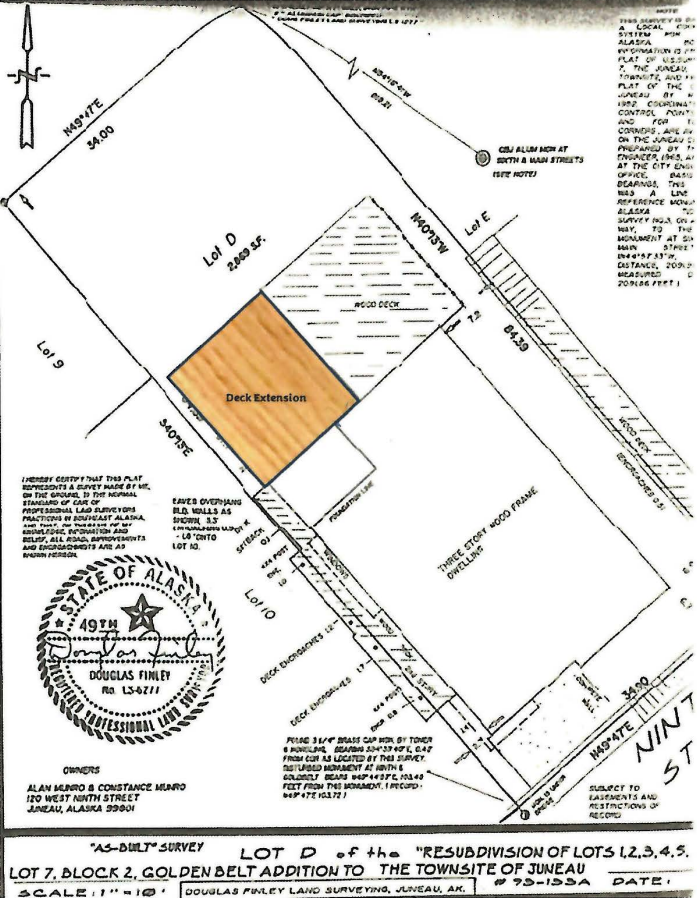
City Sewer: Yes

Exempt Building: 0

May 15, 2024
Conditional Use Permit Application – Parcel No: 1C030F020010
Applicant: Hali Duran, Owner
Address: 120 W. 9th ST., Juneau, AK 99801



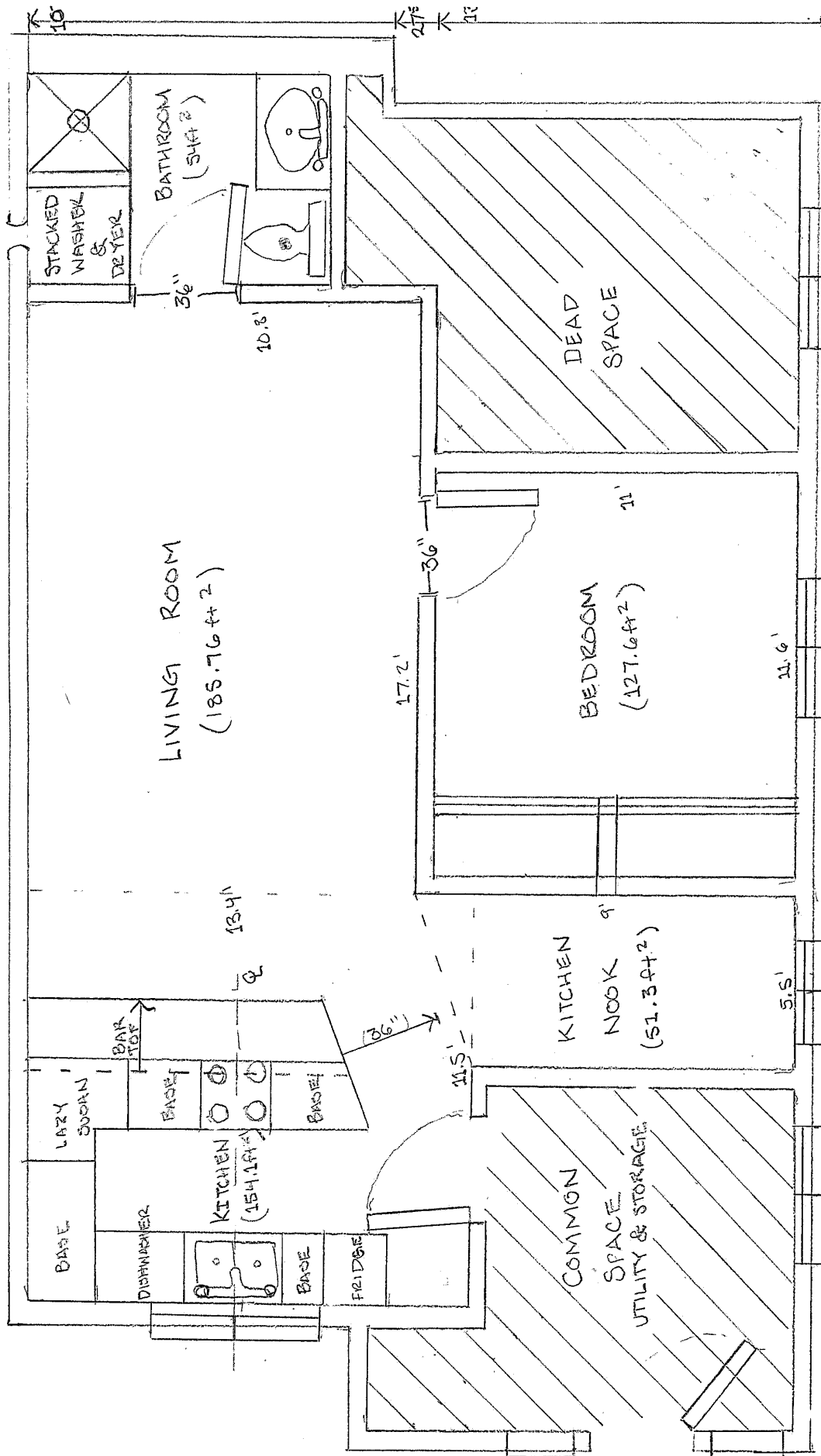
2. **Site Plan.**
Deck changed to accommodate new utility room entry. No other exterior changes made.



120 W 9th BASEMENT PLAN

1/4" SCALE

343 1/2" 76 7/8"



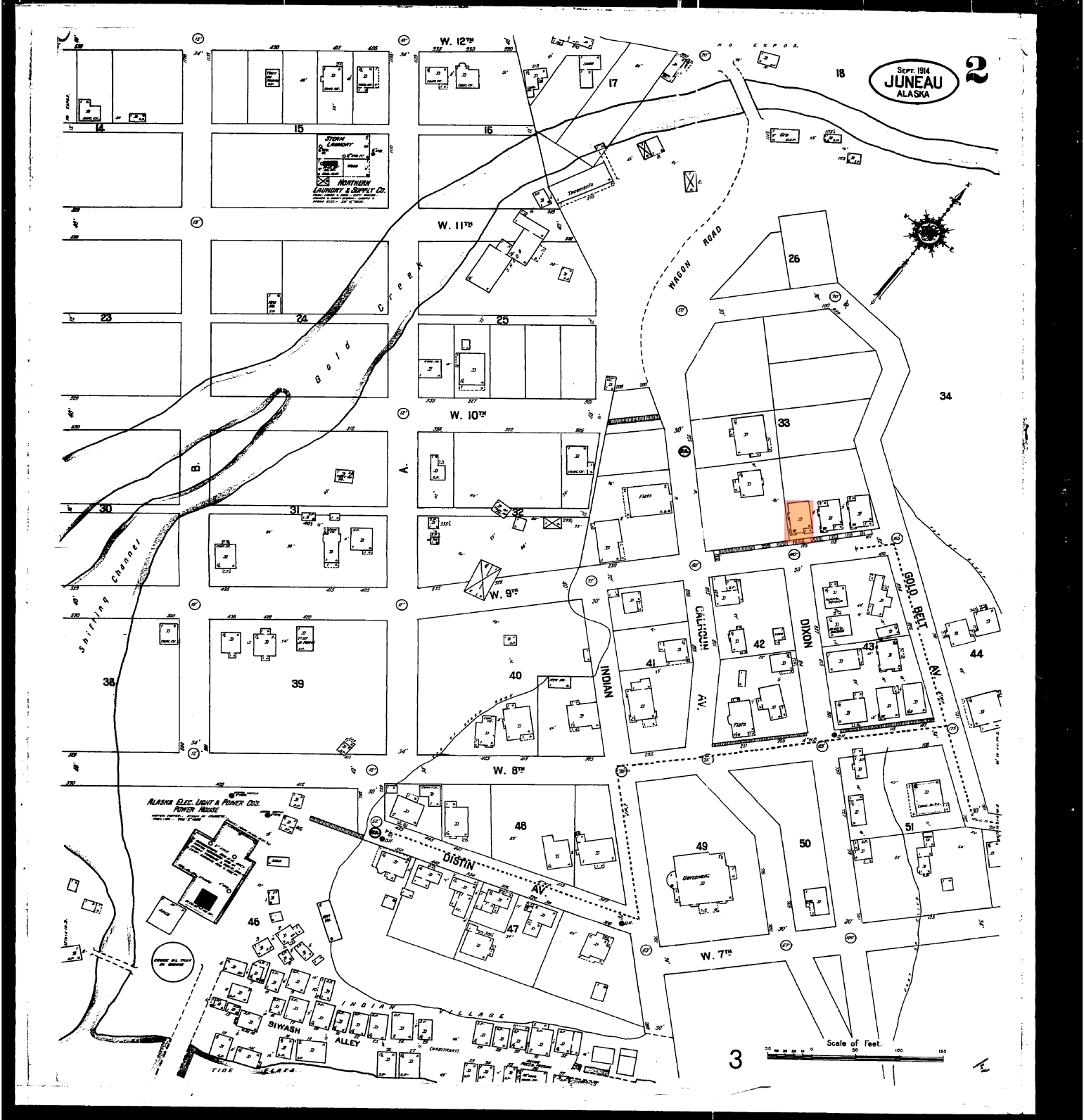
71 1/2" 66 1/4" 143 3/4" 120 7/8"

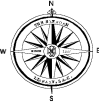
TOTAL APARTMENT SQUARE FOOTAGE: 572.76 ft²
KITCHEN 154.14 ft² LIVING ROOM 185.76 ft²
KITCHEN NOOK 51.34 ft² BEDROOM 127.64 ft²
BATHROOM 54.0 ft²

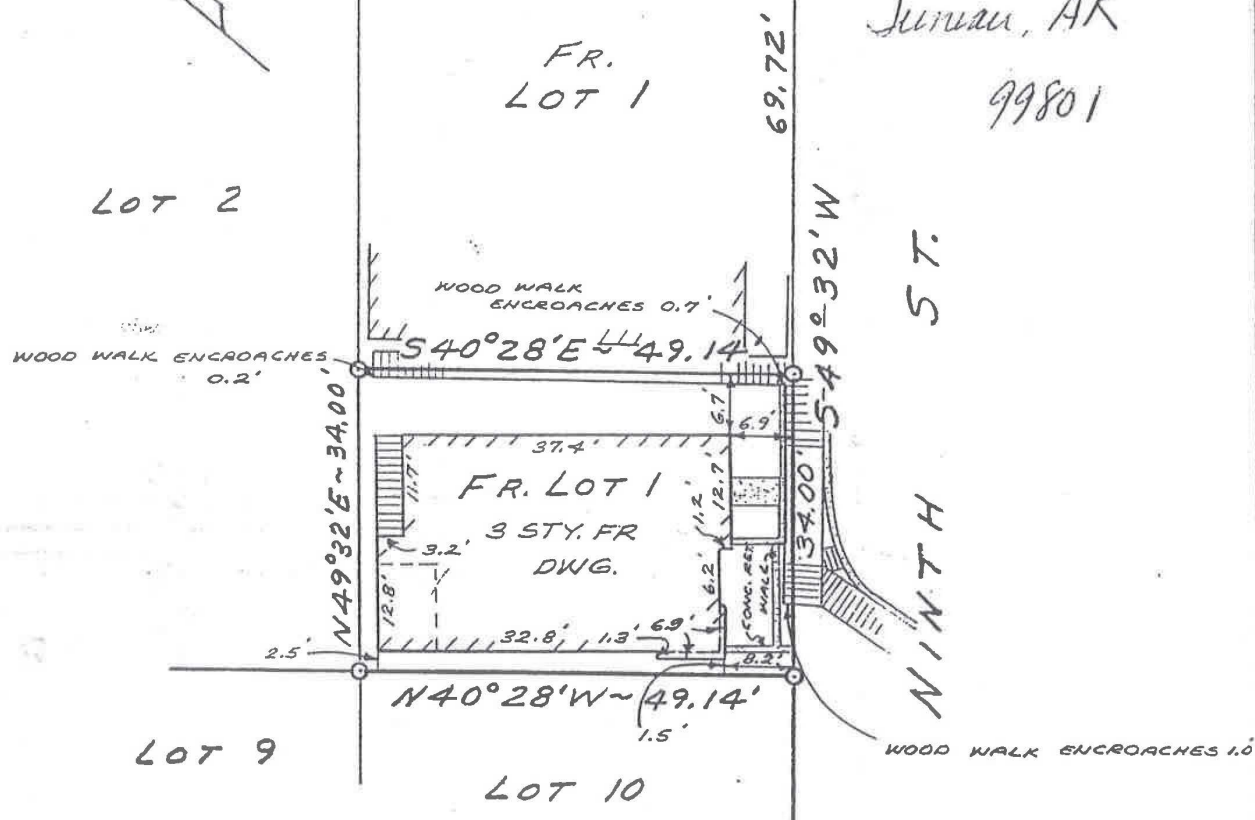
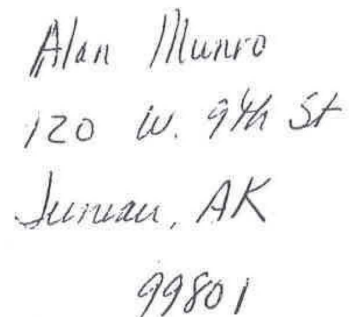
GOLDEN BELT ADDITION TO JUNEAU ALASKA

Surveyed by Lang Cobb.
1913





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Year _____
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I hereby certify that this is a true and correct plat;
That all walks, roads, easements, and improvements thereon
are as shown and that all overlaps and encroachments are
as shown to the best of my knowledge.

Letter
needed

explain rules
Have Tom talk about
ordinance



PLAT OF
FR. LOT 1 BLOCK 2
GOLDEN BELT ADDITION
JUNEAU ALASKA
SCALE 1"=20' 7-11-74
TONER & NORDLING REG'T. ENGRS.

#81-43

CITY AND BOROUGH OF JUNEAU, ALASKA

PLANNING COMMISSION

Platting Resolution, Serial NO. 799

Thomas & Jane Stewart, ~~Roddy J. Swope,~~
Alan & Constance Munro, Cintra Price, and
~~Roger~~ Donna Pegues

WHEREAS,

(Applicant(s))

has applied to the City and Borough Planning Commission for an
alteration, amendment and/or change to the subdivision described as
follows:

RESUBDIVISION OF LOTS 1, 2, 3, 4, 5, 8, AND S.E. $\frac{1}{2}$ OF
LOT 7, BLOCK 2, GOLDEN BELT ADDITION

WHEREAS, the Commission finds that the proposed alteration,
amendment and/or change to the subdivision complies with the sub-
division regulations of the City and Borough of Juneau, Alaska,

BE IT RESOLVED BY THE CITY AND BOROUGH PLANNING
COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND
BOROUGH OF JUNEAU, ALASKA:

That the said application for alteration, amendment and/or change
to above described property is hereby granted.

Dated March 24, 1981

CITY & BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

By

Kathleen H. Schuler
Chairman

Attest:

Jim Taglietta
Clerk



#81-43

BEFORE THE CITY AND BOROUGH OF JUNEAU, ALASKA

PLANNING COMMISSION AND PLATTING BOARD

In the Matter of a Petition for)
 the Re-Subdivision of Lots 1 - 5,)
 the S.E. 1/2 of Lot 7, and Lot 8)
 of Block 2, Golden Belt Addition)
 to the Townsite of Juneau, Alaska)
 _____)

ORDER OF RE-SUBDIVISION

The petition of Alan R. and Constance L. Munro,
 Rodger W. and Donna S. Pegues, Cintra K. Price, Thomas B.
 and S. Jane Stewart, and Roddy J. Swope for re-subdivision
 of the land area described as follows:

Lots 1, 2, 3, 4, 5, the Southeast 1/2 of Lot 7,
 and Lot 8, of Block 2, Golden Belt Addition to
 the Townsite of Juneau, Alaska,

was considered by the Planning Commission and Platting Board
 of the City and Borough of Juneau at a public hearing on
 March 24, 1981. Upon conclusion of the hearing, it was found
 and determined that the relief requested of re-subdivision of
 the described land area should be granted. Accordingly it is

ORDERED that Lots 1, 2, 3, 4, 5, the Southeast 1/2 of Lot
 7, and Lot 8, of Block 2, Golden Belt Addition to the Townsite
 of Juneau, Alaska, are re-subdivided as shown on the approved
 plat (prepared by Toner & Nordling, Registered Engineers, Juneau,
 Alaska, and dated April, 1980) accompanying this Order; and it
 is further

ORDERED that upon filing of this Order and the accompanying

#81-43

plat in the office of the Recorder, at Juneau, Alaska, the
plat of re-subdivision shall be the lawful plat of the land
area affected.

Dated: July 20, 1981, at Juneau, Alaska.

81-5332

2700

FILED

JUNEAU REC.

RICT

JUL 23 12 00 PM '81

RECEIVED BY T. STEWART

ADDRESS JUNE

City and Borough of Juneau
Planning Commission and
Platting Board

Kathleen H. Diebels
Chairman

STATE OF ALASKA)
) ss
First Judicial District)

Jim Triplette
Clerk

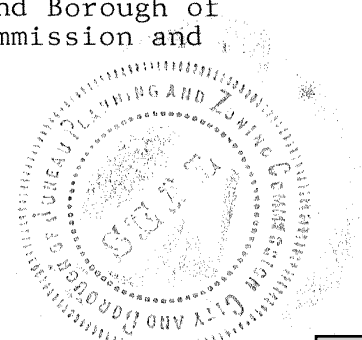
KATHLEEN DIEBELS, Chairperson, and JIM TRIPLETTE
Clerk, of the City and Borough of Juneau Planning Commission
and Platting Board, do hereby certify that the foregoing Order
of Vacation was duly approved and adopted by the City and Bor-
ough of Juneau Planning Commission and Platting Board in
Juneau, Alaska, on the 24 day of MARCH, 1981, at 7:30
o'clock p.m.

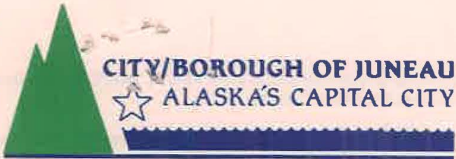
DATED this 20th day of JULY, 1981.

Kathleen H. Diebels
Chairperson, City and Borough of
Borough Planning Commission and
Platting Board

ATTEST:

Jim Triplette
Clerk





BUILDING PERMIT

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of the provisions of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

The permit issued must be attached to the approved drawings which should be available on site at all times while the construction is in progress.

This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspections can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

JOB ADDRESS 135 W. 9TH ST	RECEIPT # 3308	DATE 08/22/88	PROJECT # BLS - 0307201
USE OF PERMIT BUILD 1 LEVEL BRIMWOOD DECK			

OWNER STEVE/CONSTANCE MINRO		
ADDRESS 135 W. 9TH ST		
CITY JUNEAU	ST AZ	ZIP 99801-0860
APPLICANT		
CONTRACTOR		
ADDRESS		
CITY	ST	ZIP
PH	STATE LIC.	CITY LIC.
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT # 2	LOT # D	APN 1-1792-6-001-001		
TRACT NAME 301 DBBLP		MODULE #	CENSUS TRACT	
ZONE	SETBACKS FRONT	LEFT	RIGHT	REAR
1 thru 4 Family Res. 0000000515 33.55				
COUNTER APPROVAL <i>[Signature]</i>		PAYMENT FORM	TOTAL FEE	

COMPLETED

PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Sq Feet	Rate	Valuation
1 thru 4 Family Res.			1700.00

PROJECT CONDITIONS/HOLDS

Conditional Frost depth not required/deck Shows

Date Received: 8/22/88

Process #

BUILDING PERMIT APPLICATION

CITY and BOROUGH of JUNEAU, ALASKA

Date Issued: 8/22/88

Permit # 3072-01

Project Address: 120 W 9TH ST.

City/Zip: JUNEAU 99801

Subdivision/USS (If known): GOLD BELT

Block/Tract (If known): 2

Lot (If known): D

APN/File # (If known): 1-C03-0-F02-001-0

Dwelling Units: 7

Bldgs: 8

OWNER/S: ALAN/CONSTANCE MUNRO

Contact Person: ALAN MUNRO

Mailing Address: 120 W. 9TH ST. Zip: 99801

Home Phone No.: 586 3694

Work Phone No.: (SAME)

CONTRACTOR (If known): (OWNER)

Contact Person:

Mailing Address: (SAME) Zip:

Phone No.: 17

License No.: 18

ARCHITECT (If applicable): N/A

Contact Person: 20

Mailing Address: 21 Zip:

Phone No.: 22

License No.: 23

ENGINEER (If applicable): N/A

Contact Person: 25

Mailing Address: 26 Zip:

Phone No.: 27

License No.: 28

CLASS OF WORK: ☐ New ☒ Addition ☐ Remodel/Repair ☐ Demolition ☐ Other

BUILDING TYPE: ☒ Residential ☐ Commercial ☐ Other

Is there a separate application for real property tax exemption ☐ Yes ☒ No Located in flood plain area? ☐ Yes ☒ No

Is the proposed work to be done on land which has been previously filled or is proposed to be filled? ☐ Yes ☒ No

REMARKS/EXPLANATION OF WORK: 32
SPLIT LEVEL REDWOOD DECK / NO ROOF
FOR RECREATION. NO SIDES

NOTE: If the work is on a landfill, in water, wetlands, or an intertidal area, a Corps of Engineers or other permits may be required.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Owner, Contractor or Authorized Agent: [Signature] Date: 8/22/88

BUILDINGS

Occupancy Class: Type of Construction:

FCC Code: 434 Permit Classification: SF

Occup.	Sq. Ft.	@ Rate	= Valuation
			\$1,700
No. of Stories:	No. of Bedrooms:		

OFFICE USE ONLY BELOW THIS LINE

Zoning

Engineering/Public Works

Authorizations (Init. & Date)

Zone:

City Water:

Arch./S:

Frontage:

Size:

Mech./PI:

Depth:

Yoke Recd. Metered:

Elec:

Parking:

Fire Line:

Fire:

Setbacks:

City Sewer:

Zoning:

Front: Rear:

Driveway Bond:

Eng:

Left: Right:

On-site Water:

Other:

Conditions:

ADEC Approval:

Approved for Issuance:

On-Site Sewer:

Signature:

ADEC Approval:

8.22.88

Date:

BUILDING PERMIT FEES

Est. Plan Review: \$

Check No: Receipt No:

Building Permit Fee: \$ 33.50

Actual Plan Review: \$ N/A

Grading Fee: \$

Total Building Permit Fee: \$

Radio Fire Alarm Fee: \$

ENGINEERING FEES:

Water Fee: \$

Inspection Fee: \$

Sewer Assessment: \$

Permit Fee: \$

Bond: \$

TOTAL RECEIVED: \$ 33.50

Check No. 1697 Receipt No. 04783

REMARKS: 33
Shoat depth not required Deck

Attachment F - 1988 Building Permit for Deck

186

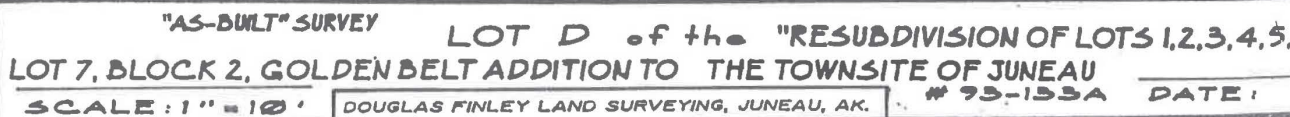
comment: Instal handrail at steps the OK for final

PROJECT CONDITION/HOLDS

```
Source: Shows                      Status: Conditional
Description: Frost depth not required/deck
```

PROJECT INSPECTION STATUS for Project # 3072.01

SF-99 Final Not Insp. *A* F - 1 Activity Final Not Insp. *A*





155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

**PLANNING COMMISSION
NOTICE OF DECISION**
Date: February 9, 1994

File No.: VR-52-93

Alan R. & Constance L. Munro
C/O Clarke L. Young
227 7th Street
Juneau, Alaska 99801

Application For: Zoning Variance
Legal Description: Lot D, Block 2, Golden Belt Addition
Parcel Code No.: 1-C03-0-F02-001-0
Hearing Date: February 8, 1994

The Planning Commission, at its February 8, 1994, regular public meeting, **approved** your application for a variance. The variance reduces the side yard setback from five feet to zero feet to allow a deck structure to project to the west property line subject to the following condition:

1. The applicant shall apply for a building permit and modify the subject deck to meet building and fire code requirements.

Effective Date: March 2, 1994
Expiration Date: August 8, 1995, unless a building permit has been issued and substantial progress has been made.

Project Planner:

Cristi Herren
Cristi Herren
Planner

RECEIVED BY CITY CLERK

Patty Ann Polley
2-9-94

cc: Alan and Constance Munro
Debra J. Purves, CDD
Building File



Historic Structures Database

Go back

Freeburger House

Location: 120 W. Ninth Street
AHRS#: JUN-231
CBJ#: E-25
Parcel#: 1C030F020010
Year Built: Circa 1915
Architectural Style: Late 19th and Early 20th Century American
Movements/Bungalow/Craftsman
Architect/Contractor: Unknown

Historic Name: Freeburger House
Historic Period: Territorial Gov't/Beginning Mining Era 1912-1920
Historic Integrity: Preserved/Contributing
Neighborhood: Chicken Ridge
Date of Local Designation: 09/01/1992
Date of National Register Designation: 10/12/1995



Additional Information

Historical Information
The earliest known resident was George Freeburger and family who lived in the house from 1920 to 1944. Freeburger served on the city council and a term as mayor.

Historic Use
Residence

Source
36; 10C

Search Options

Historic Neighborhoods

Historic Name List

Historic Evergreen Cemetery

In addition to these methods, you can also click on linked information in the individual entries to access listings of similar properties. There is also a search bar at the bottom of the results in the Historic Name List.

Community Development

Contact Information:
Mailing Address: 155 S. Seward St. Juneau, AK 99801
Physical Address: 230 S. Franklin Street, Juneau, AK 99801

Permit Center: 907.586.0770
Permit Center Email: permits@juneau.org

Planning & Zoning: 907.586.0715
Permit Center Email: CDD_Admin@juneau.org

Quick Links

Apply for a Permit
Parcel Viewer
Request an Inspection
How are we doing?



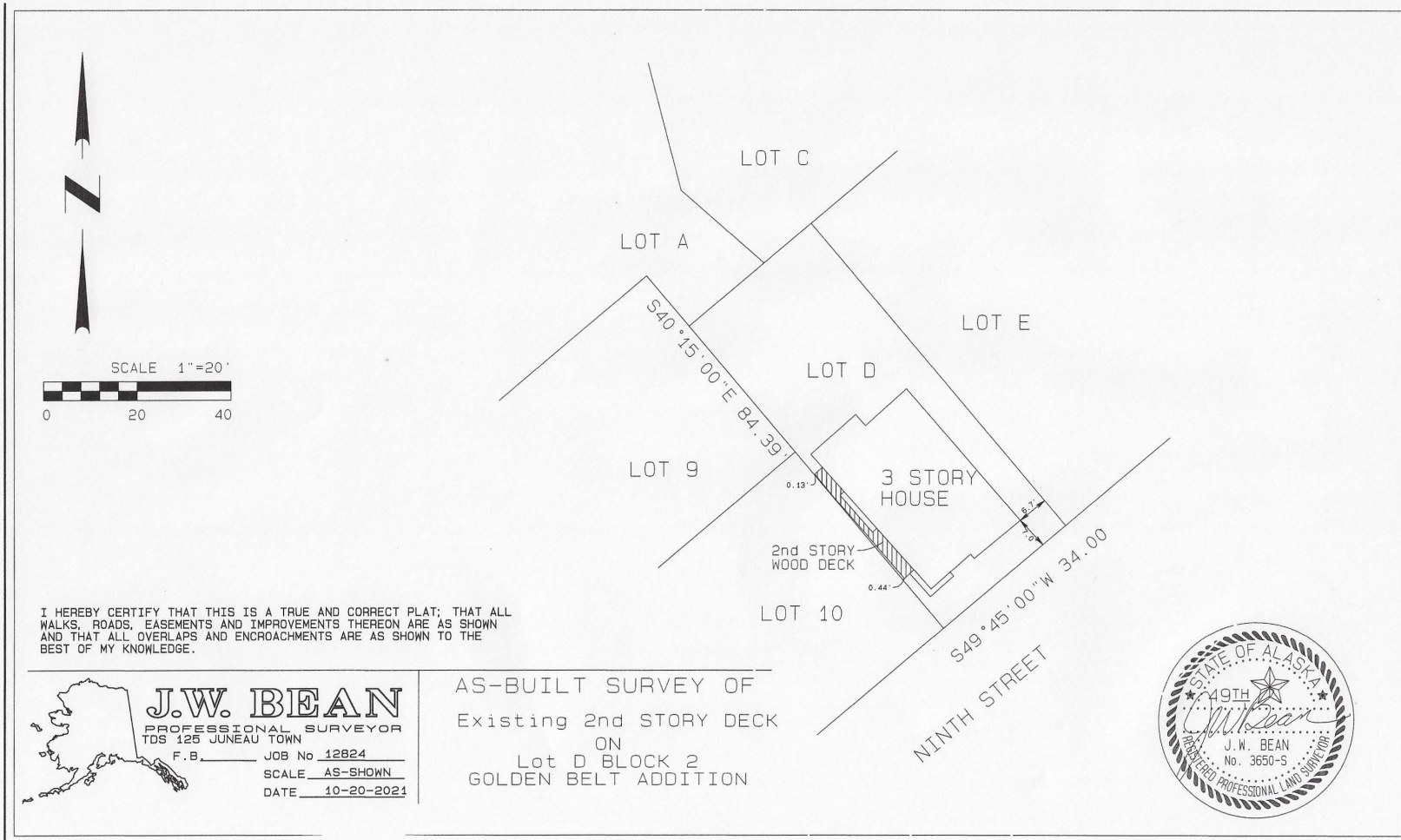
9/22/21, 11:41 AM

CDD – HSD – Historic Name List – City and Borough of Juneau

Hours: Monday - Friday, 8:00am - 4:30pm

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(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

NONCONFORMING CERTIFICATE

Date: October 20, 2021
File No.: NCC2021 0076

Joann Birt
3031 Clinton Drive, Suite 100
Juneau, AK 99801

Proposal: A Nonconforming Situation Review for structures, lots, and off-street parking

Property Address: 120 W. Ninth Street
Property Legal Description: Golden Belt Addition Block 2 Lot D
Property Parcel Code No.: 1C030F020010

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated October 20, 2021, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Structures (49.30.250):
 - Front yard setback of 6.7 feet
 - Side yard setback (SW) of 2.2 feet for structure
 - Side yard setback (NE) of 4 feet for deck
- Nonconforming Lots (49.30.260):
 - Lot size of 2,869 square feet
 - Lot width of 34 feet
- Nonconforming Parking (49.30.270):
 - Zero off-street parking spaces

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

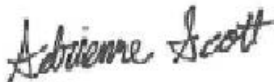
CBJ 49.30.215: Accidental damage or destruction. Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.

File No.: NCC2021 0076
October 20, 2021
Page 2 of 2

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:



Adrienne Scott, Planner I
Community Development Department



Alexandra Pierce for Jill Maclean, Director, AICP
Community Development Department

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

Ilsa Lund

From: Theresa Ross
Sent: Friday, June 21, 2024 7:46 AM
To: Ilsa Lund
Subject: RE: Agency Comment- Conditional Use and Parking Waiver

Follow Up Flag: Follow up
Flag Status: Flagged

No concerns for fire.

Have a great weekend.

Theresa Ross, Fire Marshal
 Capital City Fire Rescue
 820 Glacier Avenue
 Juneau AK 99801
 907-586-5322 ext. 4323
<https://www.juneau.org/fire>



From: Ilsa Lund <Ilsa.Lund@juneau.gov>
Sent: Thursday, June 20, 2024 4:13 PM
To: CDD Building Division <CDD.Bldg@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; General Engineering <General_Engineering@juneau.gov>
Subject: Agency Comment- Conditional Use and Parking Waiver

Hello CBJ Team,

We have received applications from the resident of 120 W Ninth St. to build an accessory apartment in the basement of the existing single-family dwelling (USE2024 0011), and to waive the minimum required parking for the addition of the accessory dwelling (PWP2024 0003). As part of the review process, we are circulating the application amongst CBJ departments for input that will be provided to the Planning Commission for review.

Attached are the applications. Later this week, you can also find information at the short-term planning web site: <https://juneau.org/community-development/short-term-projects>

We have the case scheduled for the Planning Commission meeting on July 23rd. If you could provide feedback by **July 8, 2024**, that would be very helpful. I've attached an Agency Comment Form for your use.

Warm regards,

Ilsa Lund | Planner I

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, Marine View Building

Contact or visit the Permit Center on the 4th floor for an in-person meeting. 907-568-0715

Office: 907.586.0753 ext. 4128



Fostering excellence in development for this generation and the next.

Ilsa Lund

From: Thomas Young-Bayer <thom.h.young@gmail.com>
Sent: Friday, June 28, 2024 4:47 PM
To: PC_Comments; Ilsa Lund
Subject: PWP 2024 0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To Whom It May Concern,

Regarding the request for a parking spot waiver for an accessory apartment in a D10 Zone:

My family lives at 839 Dixon St, across from the house in question. We own a single small vehicle for our household and often have a hard time finding parking available along Dixon or GoldBelt. Our neighbors regularly park in prohibited spaces due to the lack of parking in our neighborhood.

We are concerned that the addition of a multi-family dwelling without requiring any additional parking spaces will unduly stress the availability of very limited parking resources in our neighborhood.

Please contact me with any questions.

Thank you for your time.

Sincerely
Thomas Young-Bayer

I live and work on Lingít Aaní (Lingít Land).

From: Roman Motyka <romanjmotyka@gmail.com>
Sent: Tuesday, July 2, 2024 10:20 AM
To: Ilsa Lund; PC_Comments
Subject: Comments Re case No: PWP2024 0003 & USE2024 0011

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Comments Re case No: PWP2024 0003 & USE2024 0011

Conditional Use Permit and Parking Waiver for an Accessory Apartment at 120 W. Ninth St.

From: Roman Motyka, owner and resident at 835 Dixon St.

Absolutely No, No, No parking waiver!! I live at 835 Dixon St., a couple of doors away from 120 W. Ninth. This neighborhood is already way over-congested and lacks sufficient parking spaces for the current residents. Parking is so bad that I often see autos and trucks parking in the "no-parking" zone on Dixon at the corner of Dixon with Ninth St.

The two properties above 120 Ninth already have basement apartments, which has added to parking congestion. And there is now an AirBnB apartment across the street from me in the brown house at 816 Dixon. How did that AirBnB sneak into our neighborhood!

Sincerely,

Roman J Motyka
835 Dixon St.
Juneau, AK 99801
907-723-0761

Ilsa Lund

From: julie willoughby <jlwilloughbylaw@gmail.com>
Sent: Sunday, July 7, 2024 2:10 PM
To: Ilsa Lund
Subject: Objection to 120 W. 9th Variance application

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Members of the Juneau Planning Commission and Ms. Lund: My name is Julie Willoughby and I have lived at 820 Dixon for 24 years. During these decades I have received countless Notices of Waiver requests in the mail. I always read them but I have never objected or responded to any of them as the requests seemed reasonable and I wanted to be neighborly. This request is not reasonable for our neighborhood. Thus, I object to both the accessory apartment and parking waiver sought by the non-resident/investment owner of 120 W. 9th street.

This property is at the top of Dixon street and a stones throw from our home. There is no legal street parking in front of, or immediately adjacent to, 120 W. 9th street. Historically the vehicles associated with that property (former owners Alan and Connie Munro) park on "upper" Dixon Street (between W. 8th and W. 9th streets). Parking is allowed on only one side of the entirety of Dixon street. "Upper Dixon" has 8 single family homes (including 120 W. 9th, but not the other 2 homes uphill from it) and only 9 legal parking spots (6 street spots, our single vehicle driveway, and a 2-car driveway at 808 Dixon). Parking on "Lower" Dixon is also tight as many Calhoun residents and downtown commuters park there. There are additional dwellings on the W. 8th stairs above and below Dixon without street parking and those occupants also frequently park on Dixon St. Parking is always extremely tight as many of the homes on Dixon, including mine, have at least two vehicles. In the winter parking gets even more difficult as snow berms take up parking spaces and the snow and ice force people to leave more space between cars so they can get their car out without sliding into the car downhill from them. Parking on Dixon is certainly comparable to and perhaps worse than parking on Starr Hill .

Additional vehicles would only exacerbate the space problem and potentially cause a safety problem, because no legal parking leads to illegal parking in the tempting but very tight corner at W 9th and Dixon. This creates a situation where fire trucks and emergency vehicles potentially can't get to our homes.

If the parking waiver is permitted and the accessory apartment is approved then realistically at least two more vehicles will be added to this already bursting-at-the-seams mix. Indeed, 120 W. 9th, a building with no dedicated parking, could realistically use 4 parking spots (2 for main home 2 for apartment).

Furthermore, it is possible/likely that both the 120 W. 9th main home and the proposed apartment will be turned into short-term rentals that does nothing to address Juneau's housing shortage. Moreover, our neighborhood gets none of the benefit of the waiver

and all of the negative externalities of this request. This has already happened at 818 Dixon (next door to our house) where investors bought a condemned home with an apartment, left the primary home derelict and vacant, but split the apartment below into two units (questionably legal/permitted) that are now short-term rentals.

I thank you for your consideration and your volunteer service to our community.

Julie Willoughby
820 Dixon
Juneau, AK.99801
jlwilloughbylaw@gmail.com

Ilsa Lund

From: rscohen@alaska.net
Sent: Monday, July 8, 2024 10:50 AM
To: Ilsa Lund
Subject: Comments 120 W. 9th St

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Regarding applications for 120 W. 9th St:

We reside at 112 W. 9th St., directly next door to 120 W. 9th St. The residence involved has always been a single family home that, at least for the last 30 years, had 2 residents each with their own car. This was easily accommodated with street parking. Now with the addition of an accessory apartment, the number of vehicles on the already crowded parking situation on Dixon St and Gold Belt Ave could potentially be increased by 5 additional cars. With state workers using Dixon St and Gold Belt Ave during working hours, it creates a very tight parking situation for residents who own and live in homes in this neighborhood. In the winter, parking is even more crowded with the lower part of Gold Belt Ave closed off, snow berms and decreased spaces due to snow accumulations on the streets.

We feel that the reality of the parking situation should have been considered before work on the accessory apartment began. The hillside has already been dug out, a new entryway has been created and windows installed.

To our knowledge, the original building permit was to create a bathroom on the first floor and increase living space. The entire house has been gutted and the accessory apartment work began 3 years ago. A new roof is being discussed as well as digging out the hillside between the houses which could put our foundation at risk.

There have been numerous contractors and construction workers over the 3 years (so far) of this project. During this time, W. 9th Street has had upwards of 5 construction vehicles at a time parked in front of our house and along the retaining wall preventing our mail from being delivered, garbage trucks from getting through and near collisions coming uphill on Dixon St around the blind corner onto W. 9th. If there were a fire or other emergency, who knows how emergency vehicles would get through. We have asked the workers repeatedly not to park in illegal parking spots and have been responded to with attitude, cursing and refusal to move. We have recently resorted to calling the police and the community officer has been responsive in keeping the street clear and safe.

There has been no one on site to oversee the workers or monitor their behavior. We have had to erect additional fencing and put up a gate to keep the workers off our deck on our own property. For these reasons, we oppose giving a parking waiver or a conditional use permit for work that has already begun.

Robert and Shawn Hatt Cohen





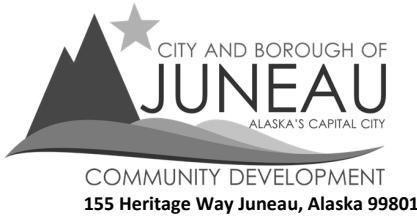
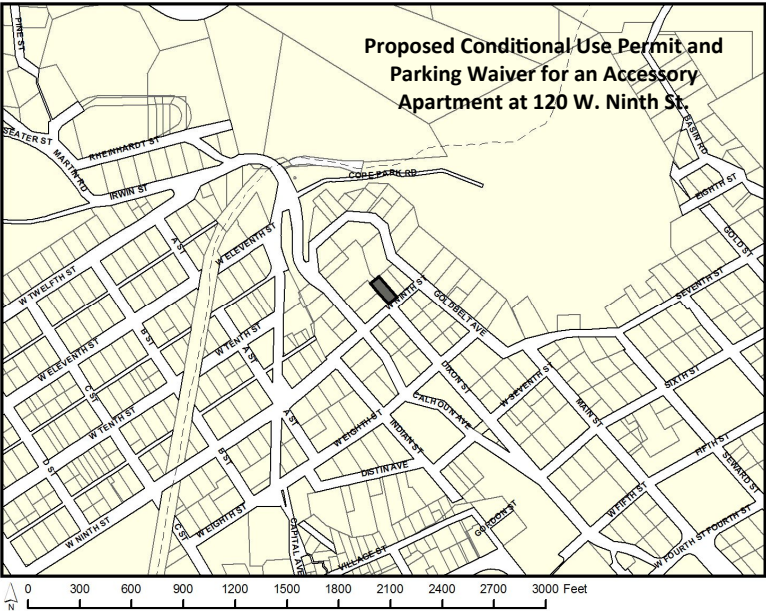
NOTICE 586-0715
ACCESSORY APARTMENT
& PARKING WAIVER
Owner: 102-23-0171 & P102104003
Conditional Use Permit and Parking Waiver
for Accessory Apartment
HEARING DATE: 7/23/24



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

Conditional Use Permit & Parking Waiver applications have been submitted for consideration and public hearing by the Planning Commission for **an Accessory Apartment at 120 W. Ninth St.** in a **D10 zone**.

PROJECT INFORMATION:

Project Information can be found at:
<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **July 15, 2024**, at
<https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes, and more here, as well.

Now through July 8	July 9 — noon, July 19	HEARING DATE & TIME: 7:00 pm, July 23, 2024	July 24
Comments received during this period will be sent to the Planner, Ilsa Lund to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/82652961046 and use the Webinar ID: 826 5296 1046 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4128
Email: pc_comments@juneau.gov or ilsa.lund@juneau.gov
Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: PWP2024 0003 & USE2024 0011
Parcel No.: 1C030F020010
CBJ Parcel Viewer: <http://epv.juneau.org>

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: 7/23/2024

1. Case # USE2024 0004

- a. Public Comment: John Walsh received 7/17/2024.

2. Comments on Non-Agenda Items

- a. Public comment: Steven Weaver received 7/2/2024.
- b. Public Comment: Christina Martz received 7/9/2024.

From: [John Walsh](#)
To: [Teri Camery; PC Comments](#)
Cc: [Sondra Blackwell](#)
Subject: July 17, 2024 - Re: Case # USE2024 0004
Date: Wednesday, July 17, 2024 9:26:27 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Re: Case #USE2024 0004 - Lemon Creek Streambed Mining permit

I am managing partner for JPR, LLC, owners of Lots 6, 7 and partial owners (Riverfront Commercial & Marine Association) of Lot 8 along Anka Street. Our properties include the slope between Anka Street & Lemon Creek.

I would request that the City review maps, digital photos, field notes to ensure that current and previous gravel mining excavations are not undermining the creek bank along our property and provide written assurance of this.

Secondly, I would request the city request the contractor to place a large boulder rip-rap protection along the bank to prevent scouring in the future.

Thank you,
John Walsh
907.321.0983

From: [sweav](#)
To: [PC Comments](#)
Subject: Self-service bicycle rental "facility" at Back Loop Road and Glacier Spur Road
Date: Tuesday, July 2, 2024 5:17:48 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

This afternoon I came upon a self-service bicycle rental "facility" at Back Loop Road and Glacier Spur Road: a series of racks with UPC codes, and without staff or safety gear. I don't know if the facility site has a permit or if the site is zoned commercial. I have issues with the "facility" since it attracts dangerous foot traffic from the nearby Capital Transit bus stops. Also, I don't know if the "facility" interferes with the far safer Cycle Alaska concession.

Can you please explain why this nuisance is placed close to heavily used public highways and buses? I for one would like to be rid of it.

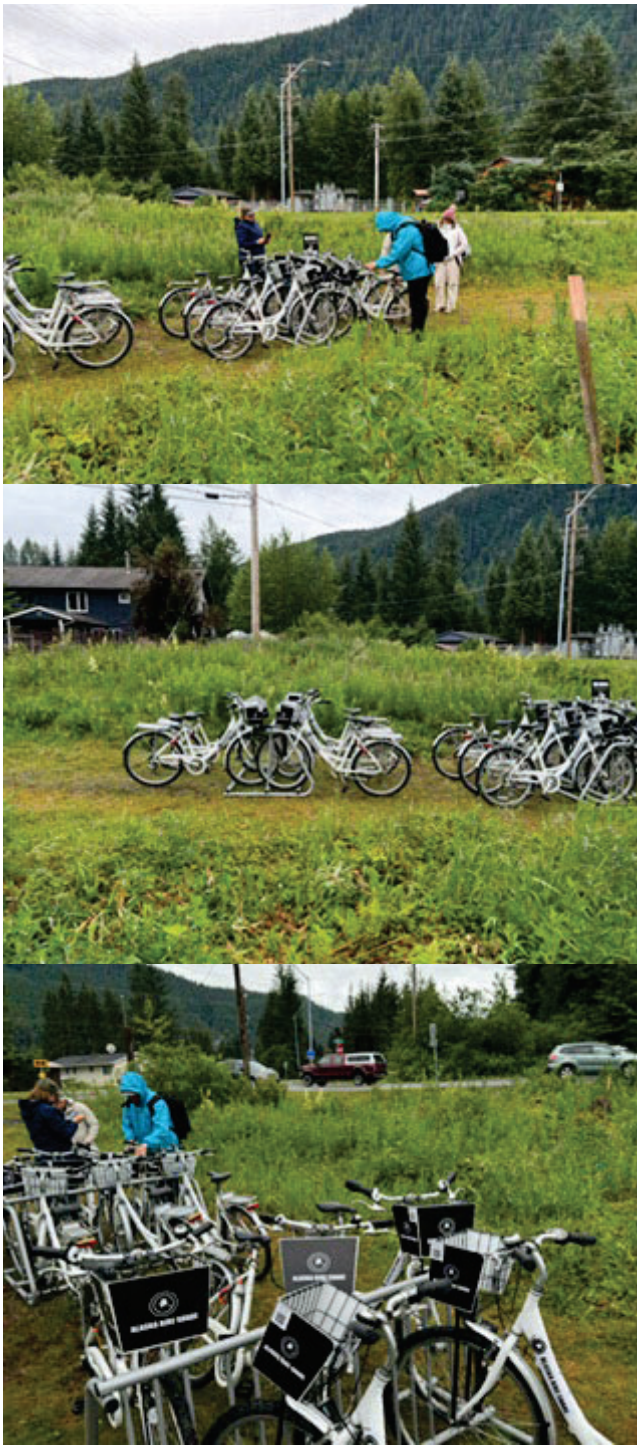
Photos are attached. Thank you very much for your assistance.

Steven C. Weaver
Mailing address: P.O. Box 22335
Juneau, AK 99802-2335

Residential address: 9867 Lone Wolf Dr.
Juneau, AK 99801

email: sweav@gci.net





Sent from my iPhone

From: [Christina Martz](#)
To: [Borough Assembly](#); [Katie Koester](#); [PC Comments](#); [Nate Watts](#)
Subject: Blacktail Estates Asbestos
Date: Tuesday, July 9, 2024 8:24:46 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To whom it may concern:

The Blacktail Estates is a known location for naturally occurring asbestos and is currently being developed right next to the Bonnie Brae subdivision. I am a resident homeowner in Bonnie Brae. We were told that if any additional blasting or disturbance to the roads (which were built using rock from the quarry onsite) needed to occur, that asbestos mitigation measures would be in place. These measures included working during a rainy weather or spraying with water during dry weather.

They are currently working on the north end of the estate, located at the top of Wee Burn Dr., and right across the street from the park. There have been multiple days, including yesterday, when digging to the road was occurring during dry weather without any mitigation measures in place. I am concerned about the lack of water abatement, especially with the close proximity to the park. This is a favorite hangout for the neighborhood children on sunny days.

While I understand the need for development and additional housing, I believe that developers should be held to the safety measures that have been put in place. Is there someone at the city level who is interested in following up on this?

- Christina Martz
1110 Wee Burn Dr
907-699-4355