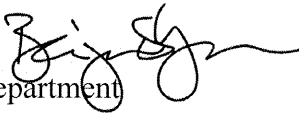


# MEMORANDUM

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

**DATE:** July 17, 2013

**TO:** Planning Commission

**FROM:** Ben Lyman, Senior Planner   
Community Development Department

**FILE NO.:** STV2013 0003

**PROPOSAL:** Request to vacate Shelter View Lane

## GENERAL INFORMATION

**Applicant:** Tracy Moore

**Property Owner:** City and Borough of Juneau; Marsha Sousa; Tracy Moore; and Christian Ruschmann

**Legal Description:** Shelter View Lane; USS 3265, Favorite Heights Subdivision, Lots 14-A, -B, and -C

**Parcel Code No.:** 4-B32-0-102-001-0, -002-0, and -003-0

**Site Size:** 21,012 Square Feet or 0.46 Acres

**Comprehensive Plan Future Land Use Designation:** RLDR – Rural Low-Density Residential

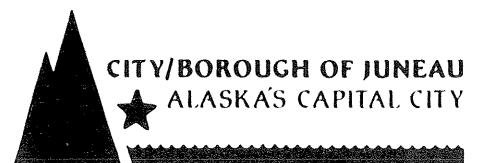
**Zoning:** D3

**Utilities:** Public Water; Private Sewer (Outside Urban Service Area)

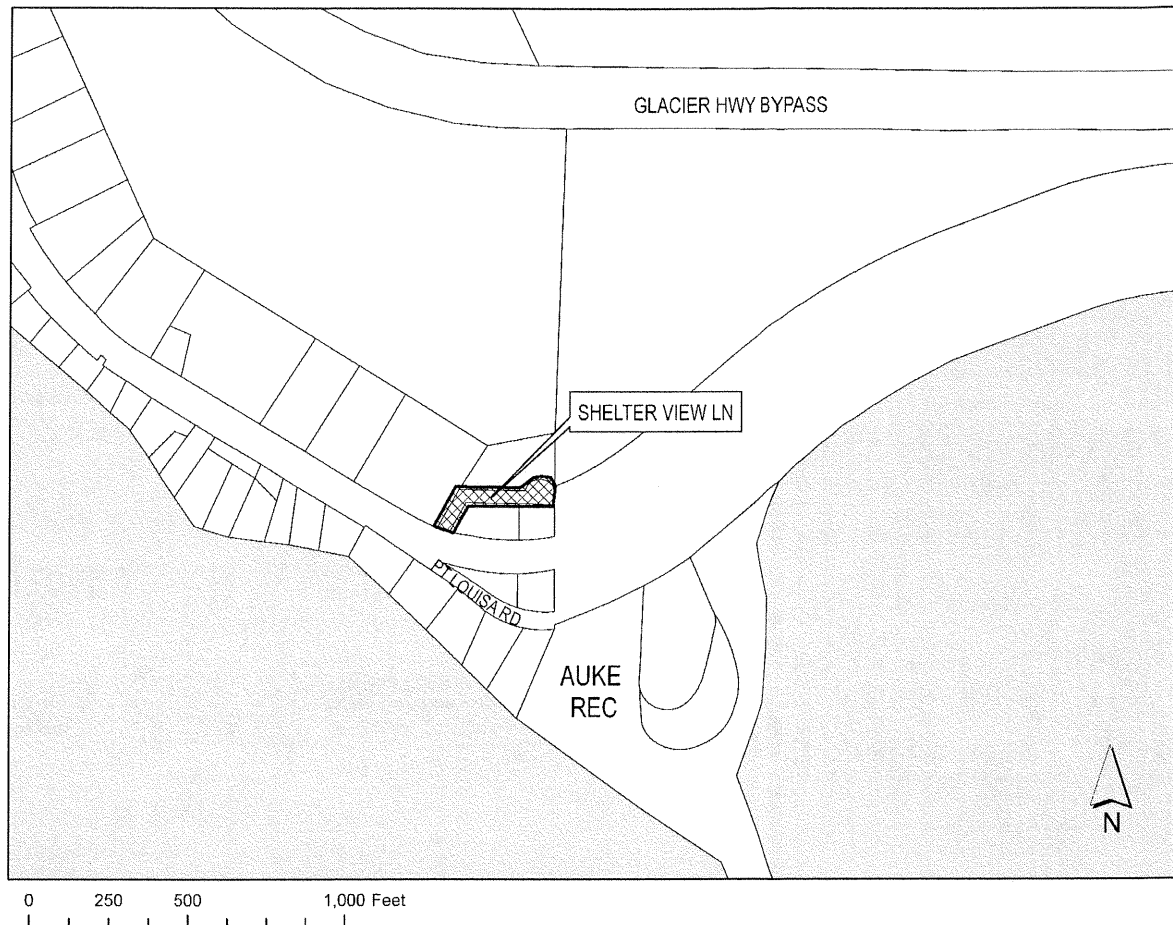
**Access:** Glacier Hwy

**Existing Land Use:** Single-Family Residences

**Surrounding Land Use:** North - CBJ Park and Vacant; Tongass National Forest  
South - Single-Family Residences  
East - Auke Village Public Recreation Area and Tongass National Forest  
West - Single-Family Residences



**Vicinity Map**



**ATTACHMENTS**

- Attachment A: Application Packet
- Attachment B: Plat #588 (#585-1) Favorite Heights Subdivision

**BACKGROUND**

Platted in 1970 as both Plat #588 and #585-1 (an identical plat appears to have been recorded twice), the Favorite Heights Subdivision created Shelter View Lane as sole access to a single lot, 14-A. The other two lots created in this subdivision (14-B and 14-C) front on Glacier Highway to the south as well as being defined to the north by Shelter View Lane.

Due to geologic constraints, the driveway that was to be located within the Shelter View Lane ROW had to encroach onto private property. An easement for this encroachment and access over it was subsequently recorded. Alaska Electric Light and Power (AEL&P) has transmission lines serving Lot 14-A that are partially within the ROW and that are otherwise eased where they pass over private property. If this ROW vacation is approved any required easements for private utility lines will be shown on ROW vacation plat.

### **ANALYSIS**

Zoning- The subject ROW and adjacent properties (other than Auke Rec, which is zoned RR) are within a D3 single-family and duplex residential zone with a minimum lot area of 12,000 square feet, with minimum lot depths and widths of 100 feet. The three existing lots are all larger than the minimum required at CBJ 49.25.400: Lot 14-A is 37,984 sq. ft.; Lot 14-B is 22,477 sq. ft.; and, Lot 14-C is 12,545 sq. ft. in area.

Lot 14-A exceeds the minimum dimensional requirements for the D3 zone, but if the requested street vacation is approved, it will only have 30 feet of frontage on a right-of-way (Glacier Highway). This is allowed at CBJ 49.15.460(4)(A):

- (i) Subdivision lots shall meet the minimum dimensional standards established by chapter 49.25, article IV, provided that in cases of difficult topography or other circumstances rendering compliance impracticable, the director may approve other configurations if the lot:
  - (a) Meets the minimum lot size requirement;
  - (b) As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;
  - (c) Has direct and practical access to a street maintained by an agency of government; and
  - (d) Has at least one practical building location.

Lot 14-A meets the requirements of sections (a),(b), and (d) currently; direct and practical access to a street maintained by an agency of government will be provided for Lot 14-A through a 30-foot-wide strip of land abutting Glacier Highway.

Drainage- The proposed ROW vacation would not affect drainage. Comments on the requested ROW vacation were solicited from the CBJ Public Works Department and General Engineering Division, and both agencies were supportive of the requested ROW vacation.

Wetlands- The proposed ROW vacation would not affect any wetlands.

Habitat- The proposed ROW vacation would not affect any habitat.

Access- The existing driveway accessing Lot 14-A is not entirely within the ROW; where it encroaches onto private property, its use for access is eased. The existing easement would be modified with the ROW vacation plat to provide for access over private property as necessary.

Traffic Analysis- The proposed ROW vacation would not affect traffic patterns or volumes. Comments on the requested ROW vacation were solicited from the State of Alaska Department of Transportation and Public Facilities, which was supportive of the requested ROW vacation.

Pedestrian Access- The proposed ROW vacation would not affect pedestrian access to the subject properties; the adjacent publicly-owned land, part of the USFS's Auk Rec, is accessed from the public road through the facility. Comments on the requested ROW vacation were solicited from the USFS, which was supportive of the requested ROW vacation.

Public Health and Safety- The proposed ROW vacation would not affect public health and safety. Comments on the requested ROW vacation were solicited from Capital City Fire/Rescue, which was supportive of the requested ROW vacation, and the Juneau Police Department, which had no comment on the request.

Compliance with Adopted Plans- The subject ROW, Shelter View Lane, does not provide access to potentially-developable lands, and the owner of the land that could be accessed by the subject ROW (USFS) is supportive of the vacation. There are no adopted plans of the CBJ which call for extending or developing this ROW.

There is no apparent public purpose in retaining this public ROW other than providing access to Lot 14-A. There is no prospect of the ROW being extended into the adjacent US Forest Service Auke Village Public Recreation Area.

## **FINDINGS**

The Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the two items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its

reasoning for each finding with particularity.

Even if the Commission adopts the Director's determination, it may nonetheless deny or condition the street vacation if it concludes, based upon its own independent review of the information submitted at the public hearing, that the street vacation will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;  
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

The Director makes the following findings on the proposed development:

***1. Is the application for the requested Street Vacation complete?***

**Yes.** We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

***2. Will the proposed street vacation comply with the other requirements of this chapter?***

**Yes.** The proposed street vacation complies with the other requirements of this chapter. Public notice of this project was provided in the July 12, 2013 and July 22, 2013 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

***3. Will the proposed street vacation materially endanger the public health or safety?***

**No.** The proposed street vacation will not materially endanger the public health or safety.

***4. Will the proposed street vacation substantially decrease the value of or be out of harmony with property in the neighboring area?***

**No.** The proposed street vacation will not substantially decrease the value of or be out of harmony with property in the neighboring area.

***5. Will the proposed street vacation be in general conformity with the land use plan,***

Planning Commission  
File No.: STV2013 0003  
July 17, 2013  
Page 6 of 6

***thoroughfare plan, or other officially adopted plans?***

**Yes.** The proposed street vacation will be in general conformity with the land use plan, thoroughfare plan, and other officially adopted plans.

Per CBJ 49.70.900(b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

***6. Will the proposed street vacation comply with the Juneau Coastal Management Program?***

**Yes.** The proposed street vacation will comply with the Juneau Coastal Management Program.

**RECOMMENDATION**

We recommend that the Planning Commission adopt the Director's analysis and findings and grant the requested Street Vacation permit. The permit would allow for the recording of a subdivision plat vacating the Shelter View Lane right-of-way. That subdivision would be subject to all requirements applicable to such subdivisions vacating a right-of-way or adjusting the boundaries of three lots, including easements for access or utility improvements existing or required in the course of or resulting from the subdivision.

# DEVELOPMENT PERMIT APPLICATION

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <u>5/17/13</u>
----------------	-----------------------------------	-------------------------------

Project Name (City Staff to Assign Name)
---

INFORMATION	Project Description <u>VACATE SHELTON VIEW LANE</u>		
	<b>PROPERTY LOCATION</b>		
	Street Address <u>15220 GLACIER <del>TRAIL</del></u>	City/Zip	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>LOT 14 B FAVORITE HEIGHTS SUBD</u>		
	Assessor's Parcel Number(s)		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name <u>Tracy Moore</u>	Contact Person:	Work Phone:
	Mailing Address <u>P.O. Box 397 CRAIG AK</u>	Home Phone:	Fax Number: <u>360-280-3344</u>
	E-mail Address <u>TTJKNS@aol.com</u>	Other Contact Phone Number(s):	
	<b>LANDOWNER/ LESSEE CONSENT</b> <small>****Required for Planning Permits, not needed on Building/Engineering Permits****</small>		
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.			
<input checked="" type="checkbox"/>	<u>Tracy Moore</u> Landowner/Lessee Signature	<u>5-17-13</u> Date	
<input checked="" type="checkbox"/>	_____ 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.			
<b>APPLICANT</b> <small>If the same as OWNER, write "SAME" and sign and date at X below</small>			
Applicant's Name <u>SAME</u>	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
<input checked="" type="checkbox"/>	_____ Applicant's Signature	_____ Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	**SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
	<input checked="" type="checkbox"/>	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	<input checked="" type="checkbox"/>	<u>5/17/13</u>	<u>57013-003</u>
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials	
_____ _____ _____				<u>BSK</u>	

# STREET VACATION APPLICATION

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

Project Number	Project Name (15 characters)	Case Number <b>STV 13-003</b>	Date Received <b>5/17/13</b>
----------------	------------------------------	----------------------------------	---------------------------------

**NAME OF RIGHT-OF-WAY TO BE VACATED:** Shelter View Lane PROPOSED

**Dimensions of right-of-way to be vacated:**

Width <u>20</u> feet	Length <u>400+</u> feet	LOT 14A - 30'
		LOT 14B - 232'
Total Area <u>21,012</u> square feet	Total length of parcel lot lines fronting the right-of-way <u>Varied</u> feet	LOT 14C - SAME AS EXISTING

**DESCRIBE THE REASON(S) FOR THE STREET VACATION:**

Since the right of way has never been built within the platted row and never will be, we would like the street vacated in order to subdivide lot 14B into 2 lots. Lot 14A will be given an easement to use the existing driveway. Lot 14C has developed a separate driveway onto Glacier Hwy. In addition, lot 14C has situated the property such that gaining an access from Shelter View Right of Way would be impractical and cost prohibitive.

**EXISTING USE OF SUBJECT RIGHT-OF-WAY:**

Much of this right of way is not being used and is undeveloped. When lot 14A was developed the owner attempted to cut grade and put the driveway in the r/w but the cost was too high and the contractor hit dense material which required blasting.

**PROPOSED USE OF SUBJECT RIGHT-OF-WAY:**

A portion will be utilized for access to Lot 14A and 14B and portions have underground utilities on them. The area will be divided between the property owners abutting the right of way as shown on the preliminary map.

**APPLICANTS PLEASE NOTE:**

*Attached is a petition that must be completely filled out in order for the application to be complete. If any information is missing on the petition, the application will not be reviewed by Community Development Staff or scheduled for a Public Hearing.*

*If the property owners involved in the petition do not own at least 50% of all property fronting the Right-of-Way to be vacated, the application will not be accepted.*

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

SUBDIVISION/PLATTING FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>500</u>	_____	_____	_____
Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____
<b>Total Fee</b>	<b>\$ <u>650</u></b>	<u>717113</u>	<u>0603693</u>	<u>5/17/13</u>

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

TO BE COMPLETED BY THE APPLICANT



RECEIVED

MAY 17 2013

PERMIT CENTER/CDD

Planning and Community Development  
City and Borough of Juneau  
155 South Seward Street  
Juneau, AK 99801  
Attn: Jonathan Lange, Planner

Tracy Moore  
PO Box 397  
Craig, Ak 99921

Re: Lot 14B Favorite Heights Subdivision and Street Vacation May 16, 2013

Dear Mr. Lange,

Enclosed, please find a preliminary map showing the street vacation of Shelter View Lane and a completed application for the street vacation. The boundary description is being prepared and will be sent from the surveyor.

The public right of way, named Shelter View (Lane), has never been developed and the original driveway has been used for accessing Lot 14A and 14B. Lot 14B was the original developed residence and most likely the person responsible for the Favorite Heights subdivision creation.

When Lot 14A was developed the roadway was widened into Lot 14B due to hard ground encountered in the platted right of way. The owner of Lot 14A installed the underground water line and underground electrical line in the platted right of way to the building site and has continued to use the original access from Lot 14B with limited verbal permission. Upon completion of the subdivision of Lot 14B a deeded easement will be granted to Lot 14A to allow the continued use of the existing driveway.

There are no public utilities in the area of the proposed right of way vacation other than a stub out for the water line and an overhead electrical line with the power pole on my property with an easement. A new water service will be required for the subdivided lot 14B and that will be completed under a separate waterline service application.

Additional options for splitting Lot 14 B have been considered and previously discussed with the CBJ staff as follows;

- Vacation of a small strip of land from Glacier Highway to achieve enough land in Lot 14 B for the subdivision, this was rejected by the maintenance staff.
- Vacation of just a portion of the Shelter View adjacent to Lot 14B which was rejected by the CBJ planning department, however, at this time, the plan I am now pursuing was presented as a favorable way to accomplish the proposed Lot 14B subdivision. You should have this correspondence in your files.

The survey work for the subdivision of Lot 14B as well and the replatting of lots 14A and 14C is proceeding. I look forward to working with you to ensure that this vacation is completed and the continued support for the subdivision of Lot 14B.

If you have any questions or need further information please call me on my cell phone at 360-280-3344 at any time.

Respectfully



Tracy Moore  
Property owner

RECEIVED  
MAY 17 2013  
PERMIT CENTER/CDD

Attachments: Preliminary Map, Vacation Application

cc Chris Ruschmann , owner Lot 14A  
Meg Day, current owner Lot 14C  
Marsha Sousa , purchaser of Lot 14 C

John Bean, P.L.S.

**PROPERTY OWNERS ADJACENT TO PROPERTY TO BE VACATED**

I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:

- A. This application for a Street Vacation review adjacent to my (our) property is made with my (our) 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.

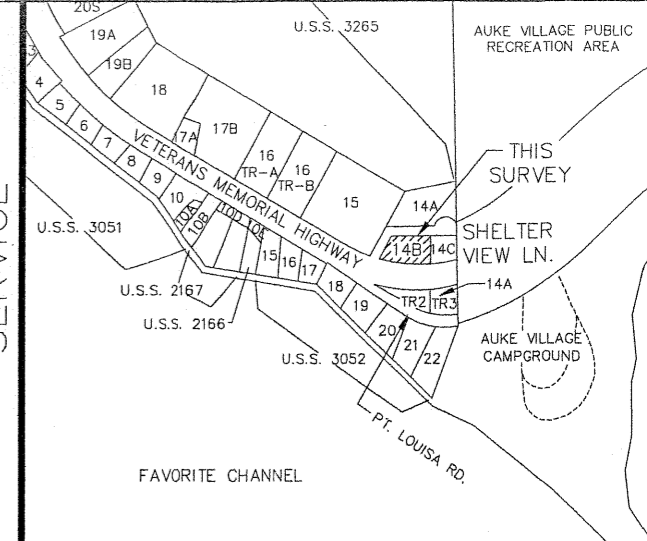
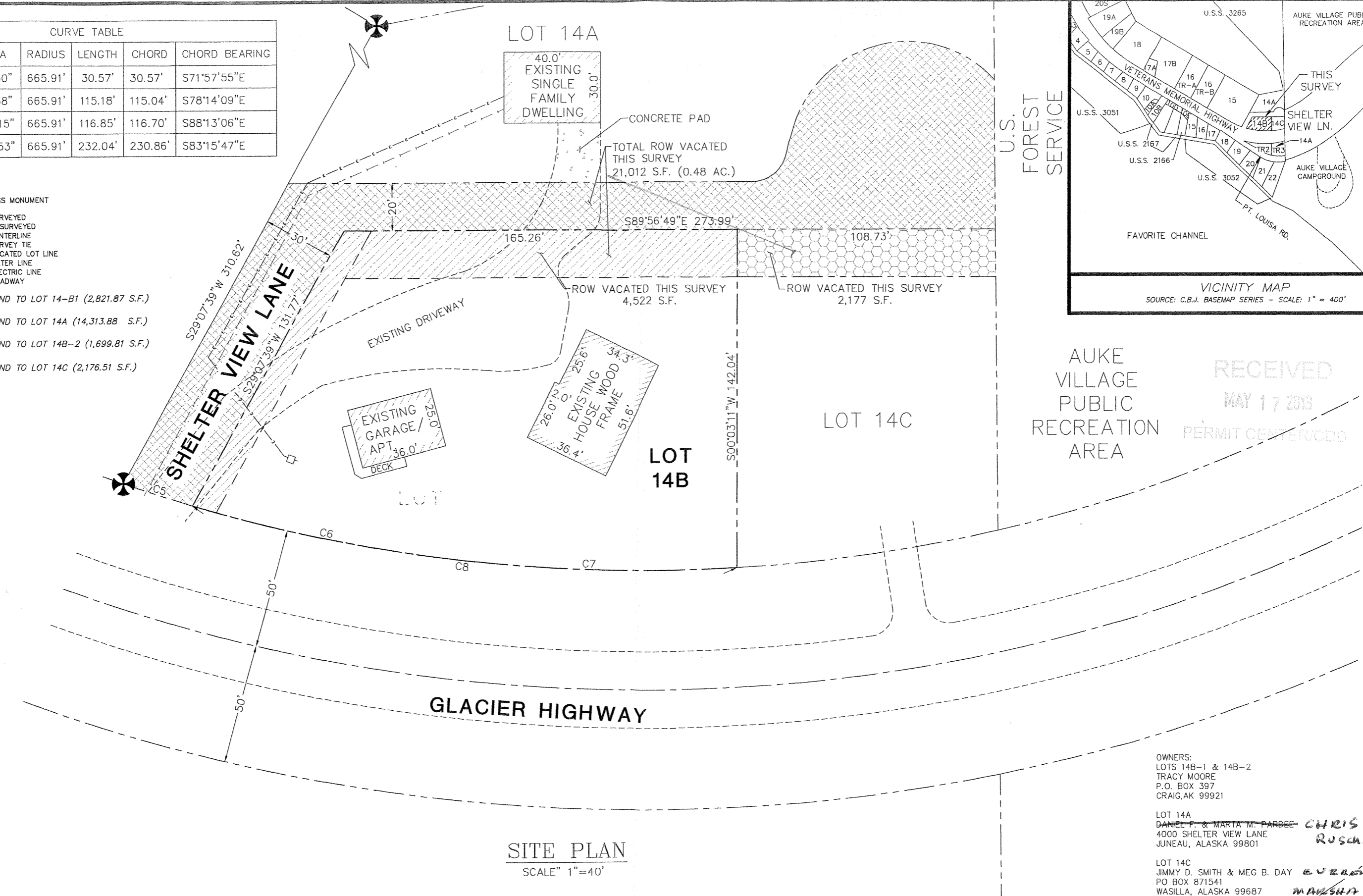
Landowner's Signature	Landowner's Name (Printed)	Street Address	Length of Frontage Along Right-of-Way	Percentage of Total Frontage
<i>Tracy Moore</i>	Tracy Moore	15220 Glacier Hwy	EXIST - 528' PROPOSED 232'	
<i>[Signature]</i>	Chris Ruschman	4000 Shelterwood Ln	EXIST - 274' PROPOSED - 30'	
MEG DAY	EXISTING OWNER	ON HOUSE BEING SOLD		TO ↓
<i>Marsha Sousa</i>	Marsha Sousa	137 Gastineau Ave	EXIST - 219' PROPOSED - 110'	
<b>Total Percent of Frontage along Right-of-Way Proposed to be Vacated by this Petition</b>				

RECEIVED  
MAY 17 2013  
PERMIT CENTER/000

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C5	2°37'50"	665.91'	30.57'	30.57'	S71°57'55"E
C6	9°54'38"	665.91'	115.18'	115.04'	S78°14'09"E
C7	10°03'15"	665.91'	116.85'	116.70'	S88°13'06"E
C8	19°57'53"	665.91'	232.04'	230.86'	S83°15'47"E

**LEGEND**

- B.L.M. 2-1/2" BRASS MONUMENT
- SURVEYED
- UNSURVEYED
- CENTERLINE
- SURVEY TIE
- VACATED LOT LINE
- WATER LINE
- ELECTRIC LINE
- ROADWAY
- LAND TO LOT 14-B1 (2,821.87 S.F.)
- LAND TO LOT 14A (14,313.88 S.F.)
- LAND TO LOT 14B-2 (1,699.81 S.F.)
- LAND TO LOT 14C (2,176.51 S.F.)



VICINITY MAP  
SOURCE: C.B.J. BASEMAP SERIES - SCALE: 1" = 400'

U.S. FOREST SERVICE  
AUKE VILLAGE PUBLIC RECREATION AREA  
RECEIVED  
MAY 17 2013  
PERMIT CENTER/CDD

**SITE PLAN**  
SCALE" 1"=40'

OWNERS:  
LOTS 14B-1 & 14B-2  
TRACY MOORE  
P.O. BOX 397  
CRAIG, AK 99921

LOT 14A  
DANIEL P. & MARTA M. PARDEE  
4000 SHELTER VIEW LANE  
JUNEAU, ALASKA 99801

LOT 14C  
JIMMY D. SMITH & MEG B. DAY  
PO BOX 871541  
WASILLA, ALASKA 99687

*CHRIS RUSCHMAN*  
*MARSHALL SORSA*

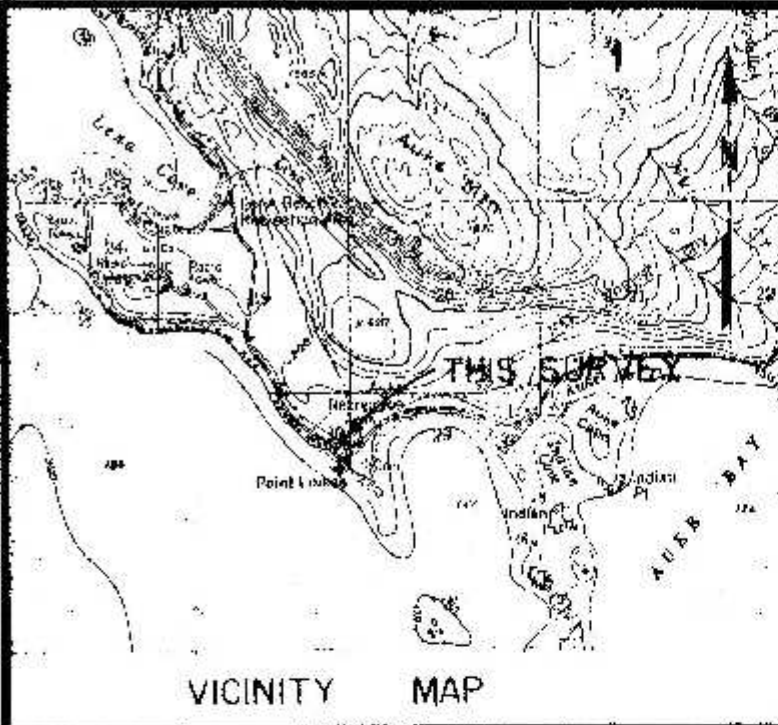
G:\Moore\Moore Lot14B\Moore Asb Lot 14B1&B2.dwg Wed, 15/May/13 11:22AM

REVISIONS:

**A PLAT OF  
SHELTER VIEW VACATION  
WITHIN U.S. SURVEY NO. 3265**

CITY & BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

DRAWN/CHECKED GDM/T.M.	DATE MAY 2013
REVISION	SHEET 1 OF 1



CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered professional civil engineer, and that this plat represents the survey made under my direct supervision, and that all dimensions and bearings are correct to the best of my knowledge.

1970, 1970



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, and other open spaces to public or private use as noted.

Carl M. Reid  
Flora E. Reid

Witnessed by:

Jelic J. Jelic

Juneau Recording District

STATE OF ALASKA

On this 15th day of April, 1970, before me, the undersigned, a Notary Public in and for the State of Alaska, residing at Auk Bay in said State, personally appeared Carl M. Reid and Flora E. Reid, known to me to be the persons who executed the foregoing certificate, and acknowledged to me that they executed said certificate freely and voluntarily for the uses and purposes therein mentioned. In witness whereof, I have hereunto affixed my signature and official seal the day, month, and year in this certificate first above and therein mentioned.

C. P. Nordling  
Notary Public in and for the State of Alaska  
My commission expires: Nov. 2, 1972

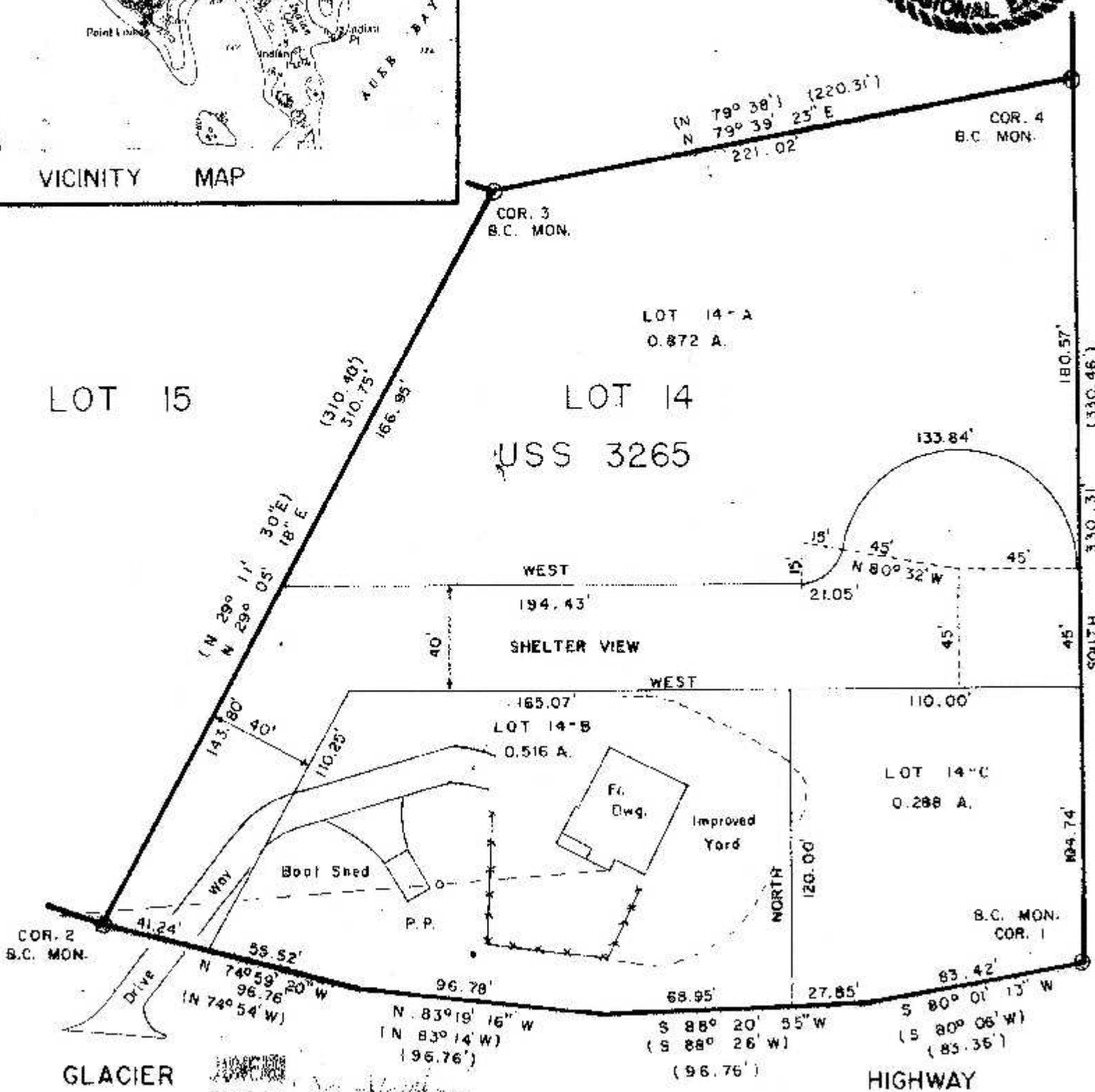


CERTIFICATE OF APPROVAL BY THE COMMISSION

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Greater Juneau Borough Planning Commission and that said plat has been approved by Plat Resolution No. 195 dated MAY 26, 1970 and that the plat shown hereon has been approved for recording in the office of the District Magistrate, Juneau.

Auk Village Rec. Area

**588**



FAVORITE HEIGHTS SUBDIVISION  
Subdivision of Lot 14, USS 3265  
Approx. 16 Mi. N.W. Juneau, Alaska  
Scale 1" = 50' April 1, 1970  
TONER & NORDLING - REG' T. ENGRS.