

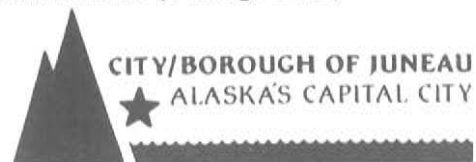
# MEMORANDUM

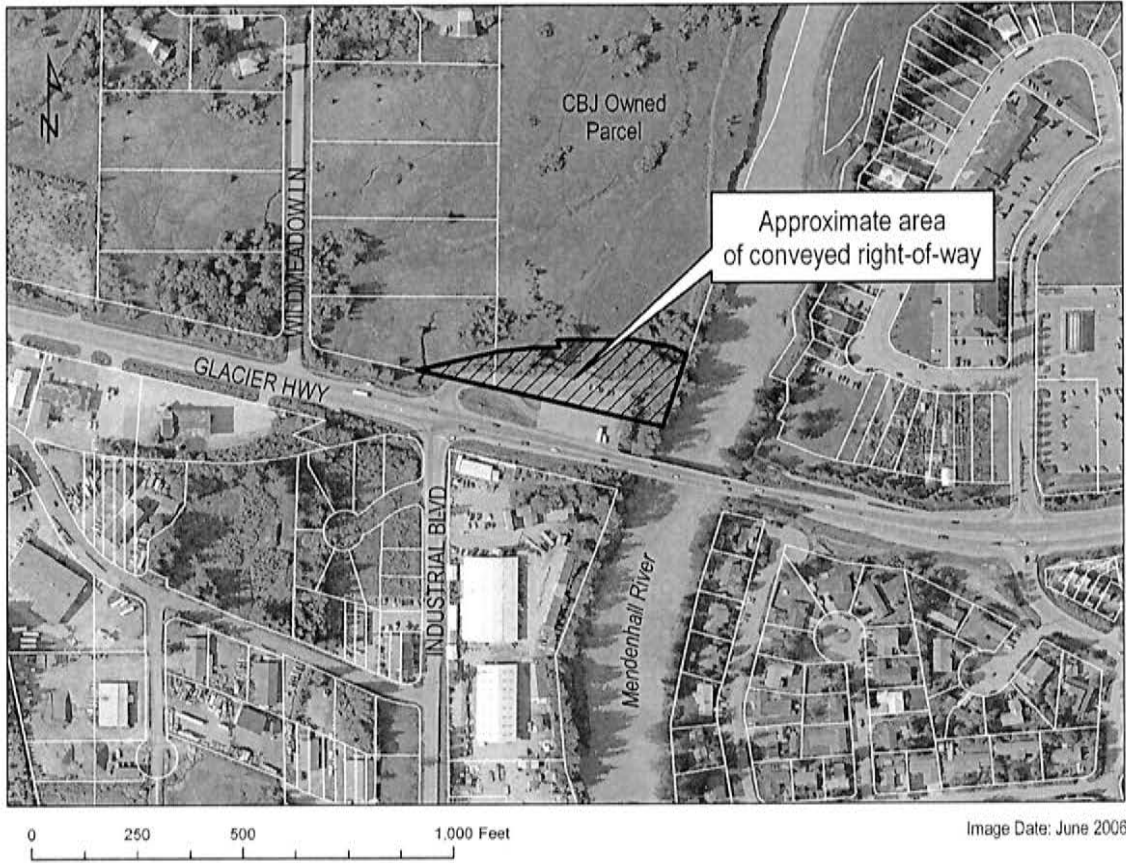
CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** January 30, 2014  
**TO:** Planning Commission  
**FROM:** Chrissy McNally, Planner *CM*  
Community Development Department  
**FILE NO.:** CSP2013 0032  
**PROPOSAL:** Transfer of ownership of Kaxdigoowu Heen Dei parking area from DOT&PF to CBJ.

## GENERAL INFORMATION

Applicant: State of Alaska DOT & PF  
Property Owner: State of Alaska DOT & PF  
Property Address: NHN Glacier Highway  
Legal Description: Right-of-Way  
Parcel Code No.: 0 Parcel  
Site Size: 52,718 square feet  
Comprehensive Plan Future Land Use Designation: CBJ Natural Area Park  
Zoning: D1  
Utilities: Public  
Access: Glacier Highway/ Wildmeadow Lane  
Existing Land Use: Public Right-of-Way/ Parking Lot  
Surrounding Land Use: North - D1, Category B Wetlands, view of Mendenhall Glacier  
South - Lumber yard, Industrial Boulevard  
East - D1 Residential  
West - Mendenhall River, Light Commercial (Vintage Park)





- Attachment A: Proposed parking lot realignment
- Attachment B: Preliminary plat
- Attachment C: DOT&PF confirmation of commercial use fees

## **BACKGROUND**

The parking area located at 10 mile Glacier Highway will be reconstructed during the Brotherhood Bridge replacement project. This project was given local consistency review under CSP2013 0011. The proximity of the intersection of Industrial Boulevard and the entrance to Wildmeadow Lane creates potentially dangerous turning conflicts; the Alaska Department of Transportation and Public Facilities (DOT&PF) proposes to abandon the existing driveway access to the parking lot and to construct a new driveway to the parking lot from Wildmeadow Lane in order to reduce these potential conflicts. This parking lot will be extended a few feet north to align with the new entrance and allow for the widening of Glacier Highway at Brotherhood Bridge (see Attachment A).

The parking lot to the east of Brotherhood Bridge is the western access point for the Kaxdigoowu Heen Dei and Brotherhood Park. The Kaxdigoowu Heen trail is designated a Recreation Service Park by the *Parks and Recreation Comprehensive Plan*. The parking lot is also a scenic photo location for bus tours and locals as well as a pick-up point for river-rafting tours and a staging area for coaches awaiting pick-ups in Auke Bay.

The CBJ owns the land that encompasses the Kaxdigoowu Heen Dei and Brotherhood Park. Over time, CBJ Parks and Recreation (P&R) has taken on the maintenance responsibilities of the parking lot though the parking lot is part of DOT&PF Right-of-Way. DOT&PF is transferring ownership of the parking lot to CBJ. A consistency review under CBJ 49.10.170(c) *City and borough land acquisitions, disposals and projects* is required for this proposed land acquisition;

*"The commission shall review and make recommendations to the assembly on land acquisitions and disposals...The report and recommendations of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program."*

## **ANALYSIS**

The CBJ owns approximately 24 acres adjacent to the subject parking lot. This parcel is zoned D1 and was purchased with federal Land and Water Conservation Funds. The reconstructed parking lot is being funded by the Federal Highway Administration (FHWA). These different funding sources offer different management tools for the two parcels. Greg Chaney, CBJ Lands Manger preferred that the parcel remain separate from the larger CBJ parcel due to the funding sources. A Preliminary Plat minor subdivision, SMN2013 0031 accompanies this consistency review (see Attachment B).

The acquisition of the parcel will allow CBJ to charge commercial use fees to tour operators who use the parking lot as a photo stop or staging. According to Deputy Lands Manager, Dan

Bleidorn, the CBJ did not want to acquire ownership of the parking lot unless commercial use fees could be charged in order to offset the cost of maintenance. It is illegal to charge tolls on roads constructed with Federal Highway Administration funds. The CBJ wanted confirmation that commercial use fees could be charged to tour operators and would not be considered a toll. DOT&PF was able to confirm that commercial use fees would not violate provisions of the FHWA (see Attachment C). Commercial use fees will provide an important revenue stream for the CBJ to sustain the CBJ's maintenance effort in the parking lot.

### **CONFORMITY WITH ADOPTED PLANS**

The proposed land acquisition is relevant to the *Comprehensive Plan of the City and Borough of Juneau* (2013) and the *Parks and Recreation Comprehensive Plan*. Chapter 3 of the *Comprehensive Plan of the City and Borough of Juneau* (2013) states that the CBJ government seeks to assure;

*“protection of the scenic beauty, fish and wildlife habitat, watersheds and outdoor natural recreation resources that all Juneauites and visitors value and enjoy;”*

There are also several Standard Operating Procedures (SOPs), Implementing Actions (IAs) and Development Guidelines (DGs) that are directly applicable to the proposed land acquisition:

5.6.DG2: When considering capital improvements and when reviewing permit applications for tourism-related developments, assess the costs and benefits of the proposed projects against the policies of this *Comprehensive Plan* and any CBJ-adopted Tourism Management Plan or BMPs.

5.6.IA5: Conduct frequent appraisals of public and private transportation facilities to ensure they meet local and tour-related use and demands.

9.1.SOP3 ...Investigate creative and innovative funding mechanisms for the acquisition and development of parks, facilities, trails and programs. Explore cooperative management agreements, joint ventures, private/public partnerships or other protocols to facilitate progress.

9.1.SOP8 Utilize a permit system for commercial use of public lands that includes commercial user fees as part of the funding source for dispersed recreation development and maintenance costs....

9.1.DG1 Ensure that proposed commercial use of public trails and their environs is consistent with the P&RD *Commercial Use of Trails* report.

While not an officially adopted plan, CBJ endorses the Tourism Best Management Practices (TBMP) developed by the Juneau Convention and Visitor's Bureau. TBMP are "intended to minimize the impacts of tourism in a manner which addresses both resident and industry concerns and enhances our visitors' experience in the Capital City." Acquisition of the parking lot will better help CBJ ensure the guidelines of the 2013 TBMP are followed by tour operators that participate in the program.

The 2013 TBMP refers to the subject parking lot as the "Brotherhood Bridge Photo Lookout". Guidelines 8 and 9 of the section titled *Agreements Regarding Transportation Vehicles* instruct tourism vehicle operators to check vehicles for fluid leaks at all staging areas and turn off their engines whenever loading or unloading passengers or staging. Both of these guidelines are supported by the 2011 *Juneau Climate Action and Implementation Plan* which aims to "lower Juneau's greenhouse gas (GHG) emissions by decreasing area wide consumption of energy in general and fossil fuels in particular." Further, these guidelines are supported by *Parks and Recreation Commercial Use Regulations*, specifically 11 CBJAC 01.010(c)

*"Establish rules to minimize environmental damage and mitigate impacts from the commercial use of parks and open spaces, and trails."*

Thought the parking lot is a popular tourist destination, the Kaxdigoowu Heen trail is not permitted for commercial use. Under the section titled, *Agreements Regarding Walking, Hiking, Bicycling and Zipline Tours*, in TBMP, guideline 39 states;

*"Operators agree to use trailhead parking in a courteous and responsible manner and to pay special attention to independent users. While utilizing the Brotherhood Bridge Photo Lookout, operators will not encourage visitors to use the trail unless the operator has a permit to do so."*

If CBJ were to own the parking lot at this trailhead and popular photo location, CBJ P&R could ensure these guidelines are followed.

## **HABITAT**

While relocating the driveway access to the Brotherhood Bridge parking lot to Wildmeadow Lane from its current direct access onto Glacier Highway will require fill of a wetland unit categorized as Class B in the Juneau Wetland Management Plan, this action is not the subject of this review.

### **FINDINGS**

The proposed land acquisition substantially conforms to locally-adopted plans. The proposed management of the parking lot to include commercial use fees also conforms to locally-adopted plans.

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the analysis and findings and recommend to the Assembly approval of CSP2013 0032, the transfer of ownership of Kaxdigoowu Heen Dei parking area from DOT&PF to CBJ.



# CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number	Project Name (15 characters)	Case Number CSP 20130032	Date Received 11/27/13
----------------	------------------------------	-----------------------------	---------------------------

**TYPE OF PROJECT REVIEW:**

City Project Review     
  City Land Acquisition /Disposal     
  State Project Review

**DESCRIPTION OF PROJECT**    TRANSFER OF TRAILHEAD PARKING AREA FROM DOT&PF TO CBS (MONDENHALL RIVER TRAILHEAD)

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

**CURRENT USE OF LAND OR BUILDING(S):**    PARKING AREA

**PROPOSED USE OF LAND OR BUILDING(S):**    SAME

**PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:**

Is this project associated with any other Land Use Permits?     No     Yes    Case No.: \_\_\_\_\_

Capital Improvement Program # (CIP)    \_\_\_\_\_

Local Improvement District # (LID)    \_\_\_\_\_

State Project #    67987

**ESTIMATED PROJECT COST:**    \$ \_\_\_\_\_

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.

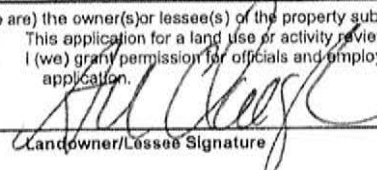
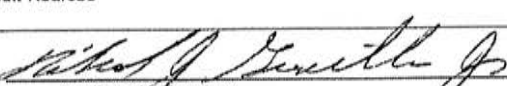
**CITY/STATE PROJECT FEES**

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____	_____	_____	_____
Total Fee	\$ <u>0</u>	_____	_____	_____

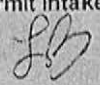
**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM & EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT**

# DEVELOPMENT PERMIT APPLICATION

Project Number <i>CSP20130032</i>	CITY and BOROUGH of JUNEAU	Date Received: <i>11/27/2013</i>
Project Name (City Staff to Assign Name)		

INFORMATION	<b>Project Description</b> Transfer excess Right-of-Way to the City & Borough of Juneau		
	<b>PROPERTY LOCATION</b>		
	Street Address NHN Glacier Highway	City/Zip 99803	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) A portion of Glacier Highway Right-of-Way		
	Assessor's Parcel Number N/A		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name State of Alaska DOT&PF	Contact Person: Richard Germiller	Work Phone: 907-465-4543
	Mailing Address 6860 Glacier Highway, P.O. Box 112506, Juneau AK 99811-2506	Home Phone:	Fax Number:
	E-mail Address richard.germiller@alaska.gov	Other Contact Phone Number(s): Rob Murphy 907-465-4541	
	<b>LANDOWNER/ LESSEE CONSENT</b> <span style="float: right;">****Required for Planning Permits, not needed on Building/ Engineering Permits****</span>		
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	 Landowner/Lessee Signature	<i>10.17.2013</i> 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.			
<b>APPLICANT</b> <span style="float: right;">If the same as OWNER, write "SAME" and sign and date at X below</span>			
Applicant's Name SAME	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
X	 Applicant's Signature	<i>10-17-13</i> Date of Application	

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

STAFF APPROVALS	<input checked="" type="checkbox"/>	<b>Permit Type</b>	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
	X	City/State Project Review and City Land Action		<i>11/27/2013</i>	<i>CSP20130032</i>
		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)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		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	
_____ _____ _____					



# DRAFT

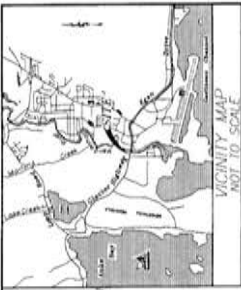


<p>STATE OF ALASKA          DEPARTMENT OF TRANSPORTATION          DIVISION OF HIGHWAYS</p>	
<p>PROJECT NO. 67967          JNU: GLACIER HWY -          BROTHERHOOD BRIDGE          RECONSTRUCTION          PROJECT #07967</p>	
<p>PROJECT LOCATION          NH-093-3(19)</p>	
STATE	ALASKA
YEAR	2013
PROJECT NUMBER	1
SCALE	1" = 180'

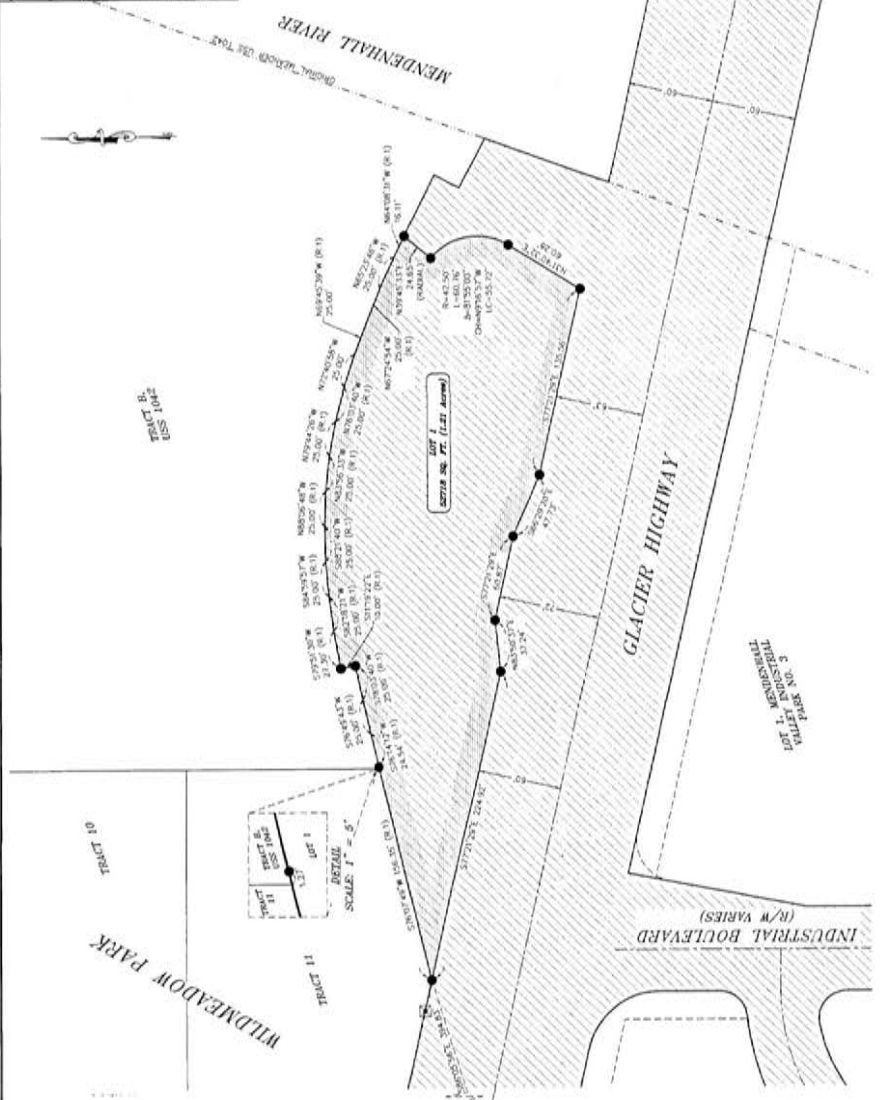
STATE OF ALASKA  
 DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS

JNU: GLACIER HWY -  
 BROTHERHOOD BRIDGE  
 RECONSTRUCTION  
 PROJECT NO. 67967

**PARKING LOT ACCESS  
 Attachment A**



- LEGEND**
- FOUND CENTERLINE RIGHT-OF-WAY FOOT
  - FOUND CENTERLINE MONUMENT
  - SECONDARY MONUMENT SET THIS SURVEY
  - POINT-OF-WAY CENTERLINE
  - ADJOINING PROPERTY LINE
  - EXISTING EASEMENT
  - EXISTING RIGHT-OF-WAY
  - EXISTING RIGHT-OF-WAY



**OWNER'S CERTIFICATE**

I, CERTIFY THAT THE STATE OF ALASKA IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY AGREE TO THE PLAT, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: \_\_\_\_\_ 2013

ALBERT H. CLOUGH, C.E.  
SURVEYOR JUNEAU DISTRICT

STATE OF ALASKA }  
JUNEAU DISTRICT }  
FIRST JUDICIAL DISTRICT }  
THIS IS TO CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013, BEFORE ME, the undersigned, appeared \_\_\_\_\_, a resident of the State of Alaska, duly commissioned and sworn, personally and in the presence of \_\_\_\_\_, who are known to me and who appear to be the persons they represent themselves to be, and the acknowledgment to me that they executed the foregoing instrument for the purposes therein mentioned, being fully authorized to do so.

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

NOTARY PUBLIC FOR ALASKA  
BY COMMISSION EXPIRES \_\_\_\_\_

**BASIS OF BEARINGS**  
S 77°21'29" E 1413.85'  
P1 (R.I.) 24-76-45

S MONUMENT  
STATION 1, 14+42.56  
P.O.T. (R.I.)

**SURVEYOR'S CERTIFICATE**

I, HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO BE ACCURATE AND CORRECT IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 08, CHAPTER 05, OF THE COMPILATION OF ALASKA STATUTES, AND IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATE: \_\_\_\_\_ 2013.

DIRECTOR BUREAU OF JUNEAU  
DEPARTMENT OF COMMUNITY DEVELOPMENT

**BASE OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS PLAT IS THE RECORD BEARING OF STATION 1, 14+42.56, P.O.T. AS SHOWN ON PLAT 94-12, JUNEAU DISTRICT, JUNEAU, ALASKA.

**STONEMASTER BOUND**

THE ONLY STONEMASTER MONUMENT SHOWN ON THIS PLAT IS ACCEPTABLE AS EVIDENCE OF THE PLATTED LOTS OF THIS SUBDIVISION AS SHOWN ON THIS PLAT AND THE FOUND CENTERLINE MONUMENT AT STATION 1, 14+42.56, P.O.T. AS SHOWN ON PLAT 94-12, JUNEAU DISTRICT, JUNEAU, ALASKA.

**GENERAL NOTES**

- THE PURPOSE OF THIS SUBDIVISION IS TO BRING INTO BEING A SUBDIVISION OF LANDS WITHIN THE PLATTED LOTS OF THIS SUBDIVISION WITH THE BROTHERHOOD BRIDGE IMPROVEMENT PROJECT, JUNE 2012.
- DOMESTIC WATER AND WASTEWATER PROVIDED BY THE CITY & BOROUGH OF JUNEAU DEPARTMENT OF PUBLIC WORKS.
- WASTEWATER COLLECTION SYSTEMS, SANITATION, AND WASTEWATER TREATMENT SHALL BE PROVIDED BY THE CITY & BOROUGH OF JUNEAU DEPARTMENT OF PUBLIC WORKS.
- ALL DIMENSIONS ARE REDUCED TO HORIZONTAL AND ALL PLAT BEARINGS ARE SHOWN AS TRUE PLAT BEARINGS.

**RECEIVED**  
NOV 17 2013  
PERMIT CENTER/CDD

**STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

**PLAT OF**  
**LOT 1, BROTHERHOOD PARK**  
**CREATED FROM A PORTION OF**  
**GLACIER HIGHWAY RIGHT-OF-WAY**  
**WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA**  
**JUNEAU RECORDING DISTRICT**

DESIGNED BY: RAE  
CHECKED BY: RVD  
SURVEY DATES: FEB 1999 TO DEC 2012  
SCALE: 1" = 40'  
SHEET 1 OF 7

OWNER: STATE OF ALASKA DOT & P  
P.O. BOX 112206  
JUNEAU, AK 99811-2906

DESIGNED BY: RAE  
CHECKED BY: RVD  
SURVEY DATES: FEB 1999 TO DEC 2012  
SCALE: 1" = 40'  
SHEET 1 OF 7



**SUBDIVISION CERTIFICATE**

I, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT I HAVE BEEN DULY COMMISSIONED AND SWORN AS SUCH. I HAVE SUPERVISED THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS ALLOWED BY TITLE 08, CHAPTER 05, OF THE COMPILATION OF ALASKA STATUTES, AND I HAVE FOUND THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PROVIDED.

REBEKAH Y. TOSKE  
LS# 70611

**REFERENCES**

R-1 SCALE OF ALASKA PROJECT HES-093-003, RECORDED A MAP 1998 AS PLAT 94-12, JUNEAU DISTRICT, JUNEAU, ALASKA.

SURVEYOR: WILLIAM T. PENCE

## Christine McNally

---

**From:** Murphy, Robert B (DOT) <rob.murphy@alaska.gov>  
**Sent:** Monday, December 16, 2013 4:15 PM  
**To:** Dan Bleidorn  
**Cc:** 'alex.viteri@dot.gov'; George Schaaf; Christine McNally  
**Subject:** RE: Brotherhood Bridge Parking

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Dan,

Following up on our conversation I can confirm that if the Brotherhood Bridge access road and parking lot are transferred to CBJ that fees can be charged for commercial bus use of the facility. The fee schedule will need to be reasonable so as to not discourage low income use. The revenue collected will need to be used exclusively for maintenance of that facility. CBJ will be required to keep an accounting of revenue collected for that facility separate from other park facilities, and the same will be true of tracking maintenance costs.

We've begun drafting a Memorandum of Agreement that will be similar to other agreements we've entered into with CBJ, such as for Riverside Drive, Channel Wayside, Auke Lake Wayside and a number of others, which covers the use, operation and maintenance of those facilities. We'll add the provisions regarding CBJ's ability to collect fees to offset maintenance costs to the agreement, but otherwise they will be very similar. We'll need to get legal review of the agreement before sending it over to you but I hope to have that for you shortly.

Thanks,

Rob Murphy  
Right of Way Group Chief  
SE Region

---

**From:** Dan Bleidorn [[mailto:Dan\\_Bleidorn@ci.juneau.ak.us](mailto:Dan_Bleidorn@ci.juneau.ak.us)]  
**Sent:** Monday, December 16, 2013 11:39 AM  
**To:** Murphy, Robert B (DOT)  
**Cc:** 'alex.viteri@dot.gov'; George Schaaf; Christine McNally  
**Subject:** RE: Brotherhood Bridge Parking

Hi Rob,  
When can I expect to receive the written documentation?

---

**From:** Dan Bleidorn  
**Sent:** Tuesday, December 10, 2013 10:57 AM  
**To:** [rob.murphy@alaska.gov](mailto:rob.murphy@alaska.gov)  
**Cc:** 'alex.viteri@dot.gov'  
**Subject:** Brotherhood Bridge Parking

Good morning,

I spoke with Alex Viteri at the FHWA concerning the City's request to charge user fees for commercial vehicles that use the brotherhood bridge parking last week. To further clarify, the City and Borough of Juneau would only charge fees for commercial users of this facility and would use the fees solely for maintenance of the facility. Noncommercial users would not be charged for use of the parking lot.

After our discussion, it seems like the City request does not contradict the regulations for using FHWA funds for this project.

The sole purpose of this email is to confirm that all concerns have been addressed, and to have written documentation.

Thank you,

Daniel Bleidorn  
Deputy Lands Manager  
City & Borough of Juneau  
Division of Lands & Resources