

MEMORANDUM

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

DATE: June 6, 2014

TO: Planning Commission

FROM: Jonathan Lange, Planner 
Community Development Department

FILE NO.: CSP2014 0013

PROPOSAL: A City Project and Land Action Review for two easements over City property to provide access to Hidden Valley Tract B in the upper Lemon Creek Valley.

GENERAL INFORMATION

Applicant: City and Borough of Juneau; Zack Worrell

Property Owner: City and Borough of Juneau

Property Address: Upper Lemon Creek Valley

Legal Description: HDK Lot 4 & USS 5504 Lot A2

Parcel Code No.: 5-B12-0-136-002-1 & 5-B14-0-100-017-0

Site Size: Easement 1.29 acres of 171.2 acres; Easement 0.39 acres of 738.9 acres

Comprehensive Plan Future Land Use Designation: RD – Resource Development

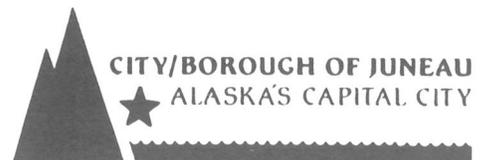
Zoning: RR

Utilities: Water and sewer available to parcel, but not to easement site

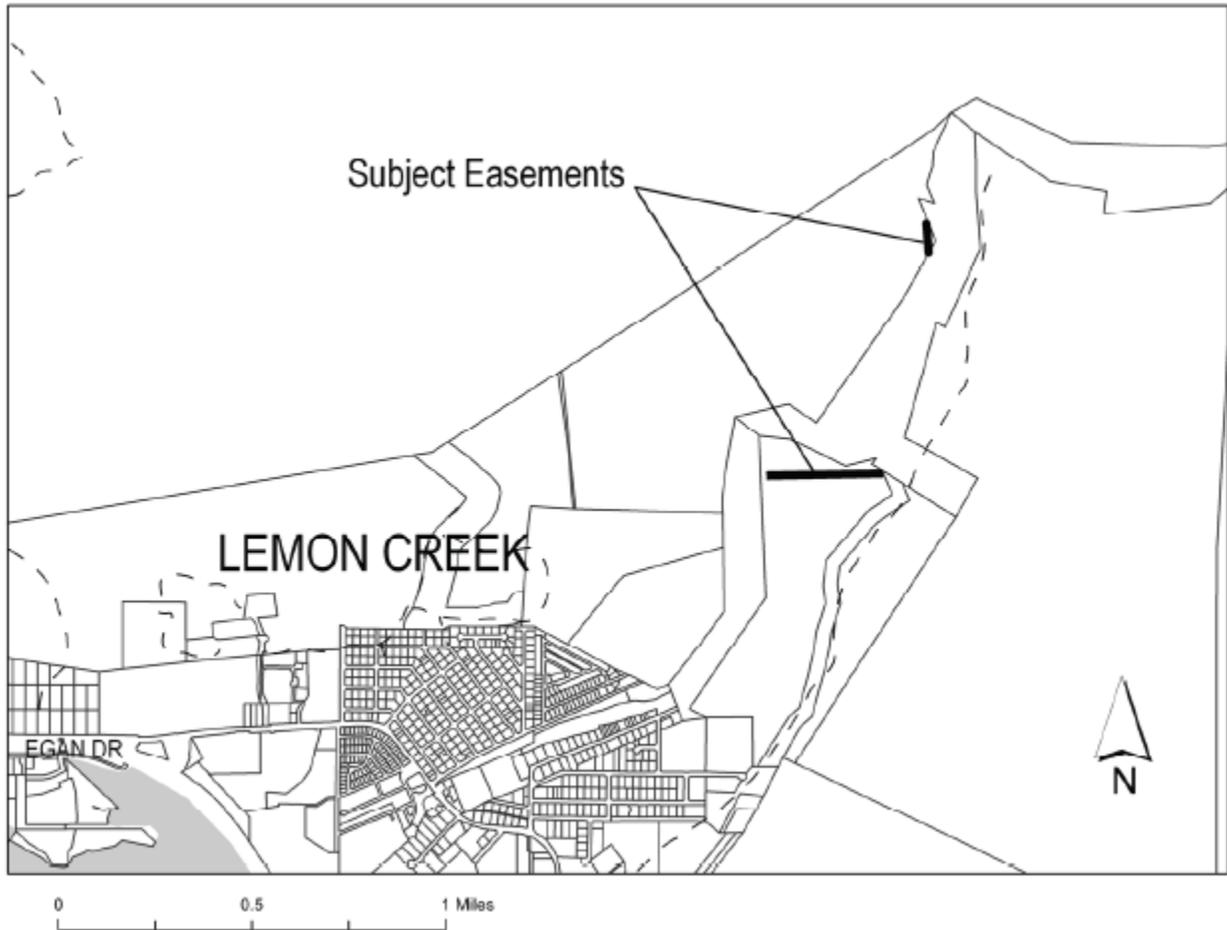
Access: Access Easement through Hidden Valley Tract A

Existing Land Use: Vacant

Surrounding Land Use: North RR - Vacant
South RR - Vacant
East RR - Vacant
West I – CBJ; Lemon Creek Haul Road



VICINITY MAP



ATTACHMENTS

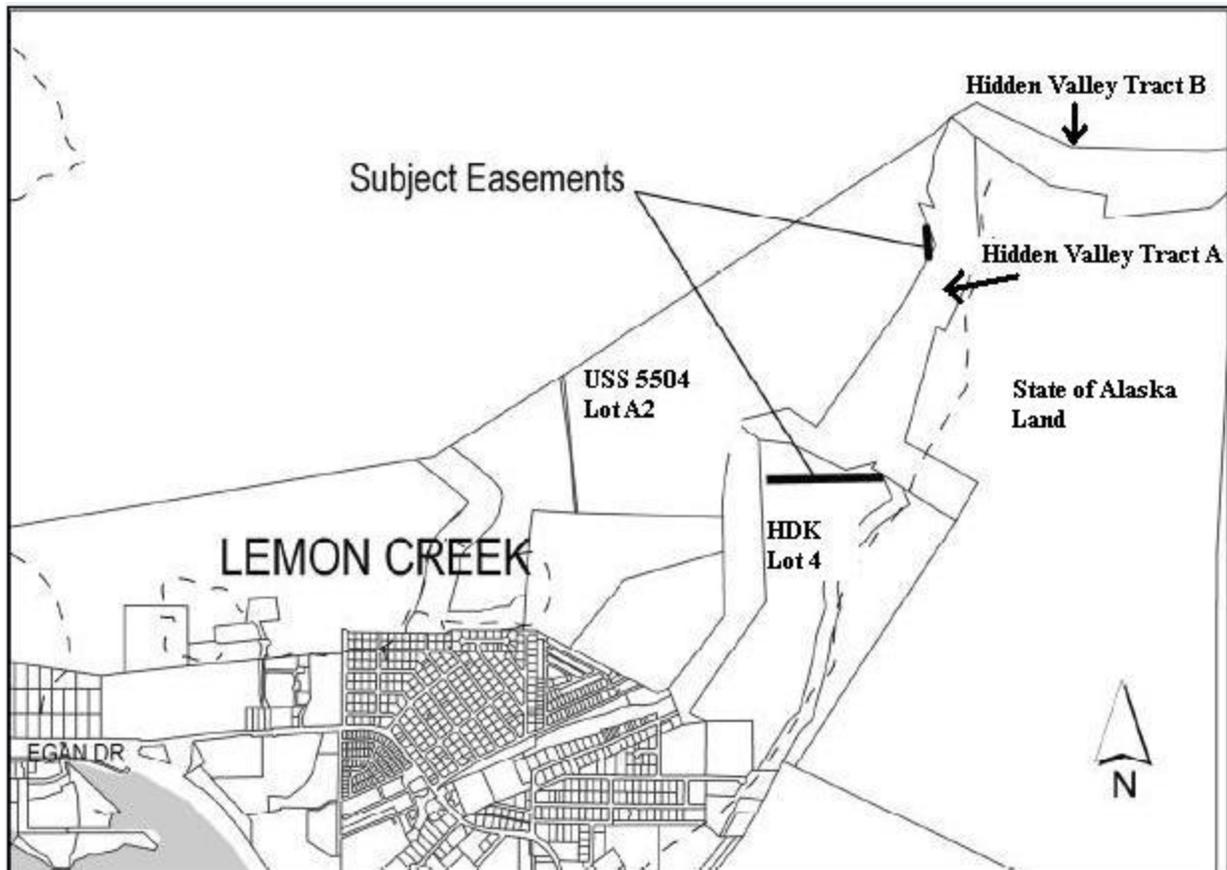
- Attachment A – City Project and Land Action Review and Development Permit Applications
- Attachment B – Easement Site Plans
- Attachment C – Lands and Resource Department Application and Project Narrative
- Attachment D – Public Notice
- Attachment E – Agency and City Review Comments

BACKGROUND AND PROJECT DESCRIPTION

Zack Worrell property owner of Hidden Valley Tract B in the upper Lemon Creek Valley has applied through the City and Borough of Juneau (CBJ) Lands and Resources office for an access easement through City owned land (see Attachment C). The subject City Project and Land Action Review application is for two easements over City property.

Mr. Worrell's property is to the northeast of CBJ land HDK Lot 4 and USS 5504 Lot A2, please see map below. The access easement across CBJ lot USS 5504 Lot A2 would be on the northwest side of Hidden Valley Tract A and would be 0.39 acres in size. The access easement across CBJ lot HDK Lot 4 would be located on the south side of Hidden Valley Tract A and would be 1.29 acres in size.

Mr. Worrell would like to get "feasible access" to his property. Hidden Valley Tract A is owned by SECON and contains an active gravel/rock quarry. Mr. Worrell has an access easement through Hidden Valley Tract A to get to his property. Because of activity at the rock quarry, Mr. Worrell would like to create an access trail or driveway to his property, which would go around the quarry area on Hidden Valley Tract A, by receiving access easements from both the City and Borough of Juneau and the State of Alaska.



On May 13, 2014 the CBJ Planning Commission recommended approval of an amendment to the Remote Subdivisions Areas map in the CBJ Zoning Atlas for Hidden Valley Tract B, owned by Mr. Worrell. The map amendment was to classify Hidden Valley Tract B as remote. At the time of recommended approval for the map amendment to the Assembly the subject parcel met all criteria for the characteristics of a remote subdivision area.

CBJ TITLE 49. ARTICLE XI. REMOTE SUBDIVISION AREAS

49.70.1120 Characteristics.

Privately owned land proposed for inclusion within a remote subdivision area should not be:

(a) In the general proximity of a capital improvement listed in the current capital improvements program;

- (b) Subject to a new growth area master plan, or other private plan adopted by the City and Borough;*
- (c) Connected to the road system; or*
- (d) Served by a right-of-way, sewer system, water system, fire protection service, or police protection service, operated or maintained by an agency of government.*

ANALYSIS

Though the proposed access easements may connect Hidden Valley Tract B to the road system, the subject review and project are not for a remote subdivision, but for use of CBJ land for the two proposed access easements.

The CBJ Land Use Code section 49.10.170 (c) regarding City and Borough Land Acquisitions, Disposals, and Projects states:

“The commission shall review and make recommendations to the Assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement projects by any City and Borough Agency. The report and recommendation of the commission shall be based upon the provisions of this title and the comprehensive plan, and the capital improvement program.”

The purpose of staff and Planning Commission review of the proposed project is to address consistency of the development with adopted plans and policies. A grading and drainage permit through the CBJ General Engineering department will be required prior to any construction within the access easements.

During the review of the Remote Subdivision Areas map it was brought to staff's and the Planning Commission's attention that by obtaining an access easement the applicant's property might no longer qualify as a remote subdivision. Staff also continues to be concerned for safe access through SECON's property and harbors concerns that by providing anything more than pedestrian access to the site it will endanger the applicant's ability to qualify for a remote subdivision. For this reason, staff recommends that the easements be limited to pedestrian access and that vehicular access through SECON's property, Hidden Valley Tract A, be restricted as a condition of the easement.

Should this condition not be attached and vehicular access be allowed through SECON's site, staff will recommend that SECON be contacted regarding the use of the site for residential access. This could constitute a substantial change and warrant re-review of their permits for safety and other new impacts.

CONFORMITY WITH ADOPTED PLANS

Staff reviewed the 2013 Comprehensive Plan for policies that may be relevant to the project:

POLICY 7.3. TO PROTECT RIPARIAN HABITAT, INCLUDING STREAM CORRIDORS AND LAKE SHORELINES, FROM ADVERSE EFFECTS OF DEVELOPMENT AND TO PROVIDE A HIGHER LEVEL OF PROTECTION FOR NON-URBAN SHORELINES IN PUBLIC OWNERSHIP.

POLICY 17.2. TO HOLD CERTAIN LANDS IN THE PUBLIC TRUST, AND TO DISPOSE OF CERTAIN LANDS FOR PRIVATE USE WHEN DISPOSAL SERVES THE PUBLIC INTEREST.

17.2 - SOP1 Evaluate the use and development potential of all CBJ-owned lands and incorporate appropriate plans for those lands into the CBJ *Land Management Plan* and Land Disposal Program, which is to be consistent with the *Comprehensive Plan*. The *Land Management Plan* serves as the major means of implementing policies and guiding management, development and disposition of selected CBJ-owned lands.

17.2 - SOP5 Evaluate land not scheduled for immediate disposal for possible interim uses prior to private development.

The applicant will be required to receive any Fish Habitat permits prior to doing any work near Lemon Creek, in addition there is a 50 foot no development setback and a 25 foot no disturbance setback from the anadromous stream. Thus the steam and fish habitat will be protected during the proposed development. The proposed project will provide for private use of public lands for the proposed access easements. Staff finds that the subject project is consistent with the 2013 Comprehensive Plan.

HABITAT

CBJ Title 49 Chapter 70 ARTICLE III. SENSITIVE AREAS

49.70.310 Habitat.

(a)Development in the following areas is prohibited:

(4)Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

49.70.925 - Transportation and utilities.

...

(b) Where roads and trails cross anadromous streams, the design and construction of bridges and culverts shall allow free passage of fish, and shall take all feasible and prudent steps to prevent habitat disturbance. Phasing of construction shall be done to avoid critical migration periods for salmon and other anadromous species.

The subject area and parcels contain Lemon Creek, which is an impaired water body. The 50 foot No Development Setback and the 25 foot No Disturb setback from Lemon Creek applies to this project. The applicant is working with the Department of Fish and Game to apply for a Fish Habitat permit to determine where bridges would be built over and any fill would be placed in Lemon Creek for access to the subject parcel. Typical pedestrian bridge designs and trail development should not inhibit fish passage or significantly disturb habitat.

FINDINGS

Staff finds this project proposal, for two access easements across CBJ land, to be consistent with Title 49 and adopted plans therein.

RECOMMENDATION

Based upon the proposed project (identified as Attachments A, B, and C), and the findings and conclusions stated above, the Community Development Director **RECOMMENDS** the Planning Commission **RECOMMEND APPROVAL** to the Assembly for the proposed City Project and Land Action Review Application with the following recommendations.

Recommendations of approval:

1. Access easements shall be limited to pedestrian access only.
2. If vehicular passage is allowed to the site, re-evaluation of the easement should take place as necessary.

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP20140013	Date Received 05/19/14
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TYPE OF PROJECT REVIEW:

City Project Review
 City Land Acquisition /Disposal
 State Project Review

DESCRIPTION OF PROJECT

The CBJ Division of Lands & Resources has received an application for two easements over City property to provide access to a remote piece of property up Hidden valley. The applicant is in the process of applying for a remote subdivision on their property.

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):

Currently the CBJ land is vacant

PROPOSED USE OF LAND OR BUILDING(S):

The proposed use of these easements is to provide access to a remote piece of property and a potential subdivision.

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 # _____

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	\$ _____	_____	_____	_____

**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**

TO BE COMPLETED BY THE APPLICANT

DEVELOPMENT PERMIT APPLICATION

Project Number CSP20140013	CITY and BOROUGH of JUNEAU	Date Received: 05/19/14
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description The CBJ Division of Lands & Resources has received an application for two easements over City property to provide access to a remote piece of property up Hidden valley.		
	PROPERTY LOCATION		
	Street Address	City/Zip Juneau / 998011	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) HDK Lot 4 & USS 5504 Lot A-2		
	Assessor's Parcel Number(s) 5B1401000170 & 5B1201360021		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBJ Lands & Resources	Contact Person: Dan Bleidorn	Work Phone: 586-0224
	Mailing Address 155 S. Seward Street	Home Phone:	Fax Number:
	E-mail Address dan_bleidorn@ci.juneau.ak.us	Other Contact Phone Number(s): 586-5252	
	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><i>Daniel Bleidorn</i></u> Landowner/Lessee Signature	<u>5/19/14</u> 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" and sign and date at X below			
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	_____ 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			
	<input checked="" type="checkbox"/>	City/State Project Review and City Land Action		05/19/14	CSP20140013
		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	
_____				CAU	



CITY AND
BOROUGH
OF JUNEAU
USS 5504
Lot 4

158.46'

193.54'

N3 32.45"W 450.77'
(proposed for easement)

225' (proposed for easement)

Easement Area: .39 acre

250' (proposed for easement)

621ft N20 51.15"W

253ft N72.54.00"W

267ft S24.40.00"E

200ft S17.56.30"W

202ft S09.40.30"W

201ft S23.06.00"W

209ft N34.05.00"E

178ft N45.11.30"E

Lemon Creek

SECON

S1 07.45"W 1491.52'

S 54.44.30"E
413.97'

789ft S66.48.30"E

ELIASON/MORRELL

S 67.04.30"E

N 62.17.30"E
259.90'

N 62.12.30"E
192.64'

N 57.47.30"W 804.19'

N 60.31.30"W 587.56'

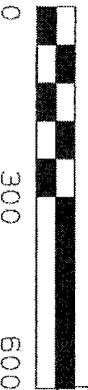


STATE OF ALASKA

USS 5504

Lot 4

SCALE 1"=300'



PERMIT CENTER/CDD

MAY 19 2014

RECEIVED

ATTACHMENT B

Hidden Valley Tract A
(SECOND)

2513ft N00 59'00"E

MS609
(CBU)

Lemon Creek

397ft S89°08'43"E

2222ft S05 30'00"E

Lemon Creek

S 89°08'45"W 1024.77'

Total Easement
Area: 1.29 acres

S 89°08'45"W 1431.26'

754ft

S59°50'30"E

Lemon Creek

564ft N84°53'54"E

2'00"E

281ft

S55°24'30"E

S 89°08'45" 543.12'

N 60°29'15"W 73.28'

S 50°23'00"W 114.50'



SCALE 1"=250'

CITY AND
BOROUGH
OF JUNEAU

HDK
LOT 4

RECEIVED
MAY 15 2014
PLANNING CENTER ODD



Lemon Creek

APPLICATION TO USE LANDS OWNED BY THE CITY AND BOROUGH OF JUNEAU

Application No. _____
Assessor's No. _____
Type of Use: _____
(Lease, Easement, Use Permit, Purchase)

Legal name of applicant (s) Zack Worrell
Mailing address: 155 Cordova St. Juneau, AK 99801

1. Legal description of property (attach map):

2. Existing parcel size: Western easement: HDK L4 171.16 acres
Square feet: _____ Acres: Eastern easement: USS 5504 Lot A-2: 659 acres

3. Existing utilities:
Water: On site _____ Public _____ None
Sewer: On site _____ Public _____ None

4. Access: See drawings

5. Proposed term of usage: See drawings and appraisal report

6. Development plan (attach background materials in triplicate):
A. Purpose: Feasible access to my property

B. Use, value, and nature of proposed improvements to the land: See appraisal report

C. The proposed type of construction: Construction of access trail

D. Date construction would begin: June 1st, 2014
E. Date construction would be completed: _____

7. Comprehensive plan designation for property: Not in Growth Area per 2013 comp. plan

8. Zoning designation: Rural Reserve

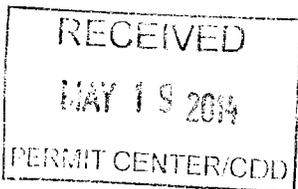
I HEREBY CERTIFY THAT all of the statements made in this application and its incorporated attachments are true and correct.

Zack Worrell
Name and Title (Please Print)


Signature

RECEIPT of the above application and attachments together with filing fee (non-refundable) in the amount of _____ is hereby acknowledged.

For the City Clerk: Date: _____ By: _____



Explanation for requiring alternative access easement(s) to Hidden Valley Tract B

An access easement through Hidden Valley Tract A does exist and will be utilized, although not in its entirety. As you know, the portion of Hidden Valley Tract A on the North side of Lemon Creek is largely a rock quarry owned by Secon, a local civil construction contractor.

Reliable access through Secon's operations area is not possible due to blasting delays and lack of a road. The installation of a driveway through this area is not possible because Secon is continually drilling, blasting, and removing the material that such a road would be constructed upon

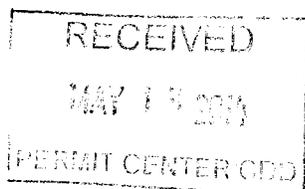
A brief description of Secon's operations occurring on Hidden Valley Tract A:

1. Frequent drilling and blasting of hard rock
2. Continuous haul truck traffic to and through the quarry
3. Heavy equipment operating 7 days per week during the Spring, Summer, and Fall
4. Storage of explosives, construction equipment, materials, etc.

Our potential uses of Hidden Valley Tract B and adjoining parcels could include cabin site development, eco tourism, small scale gold mining, etc. Any of these activities would require reliable access. As stated above, Secon's operations would not allow for reliable access.

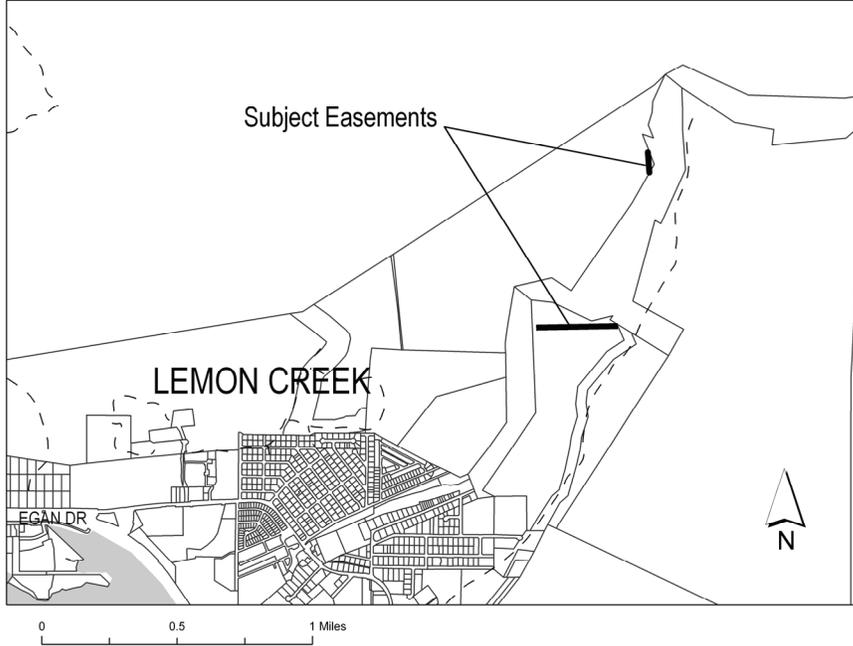
The alternative access route as submitted last week does utilize Hidden Valley Tract A wherever possible, but does so on the South Side of Lemon Creek. The existing easement through Tract A simply states that an easement exists, but no lines or boundaries were drawn. The easement could be located on the South side, or the North side of Lemon Creek. We have elected to access our property from the South side of Lemon Creek for the reasons listed above.

The property lines of Hidden Valley Tract A in this area bisect Lemon Creek in a few areas, and encroach within 50ft in numerous areas. The Alaska Department of Fish and Game will not allow driveway construction within 50ft of Lemon Creek, thus we are forced to apply for an easement through the adjacent State owned land.



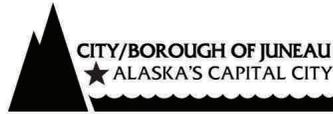


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A City Project and Land Action Review for two easements over City property to provide access to Hidden Valley Tract B in the upper Lemon Creek Valley.

File No:	CSP2014 0013	Applicant:	CBJ Lands & Resources Dept./ Zack Worrell & Jim Eliason
To:	Adjacent Property Owners	Property PCN:	5-B12-0-136-002-1; 5-B14-0-100-017-0
Hearing Date:	June 24 2014	Owner:	CBJ Lands & Resources Dept.
Hearing Time:	7:00 PM	Easement Size:	0.39 Acres; 1.29 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	Rural Reserve
		Site Address:	Upper Lemon Creek Valley
		Accessed Via:	Lemon Creek Trail & Access Easement through Hidden Valley Tract A

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at jonathan_lange@ci.juneau.ak.us or at 586-0218.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: May 23, 2014

ATTACHMENT D

Jonathan Lange

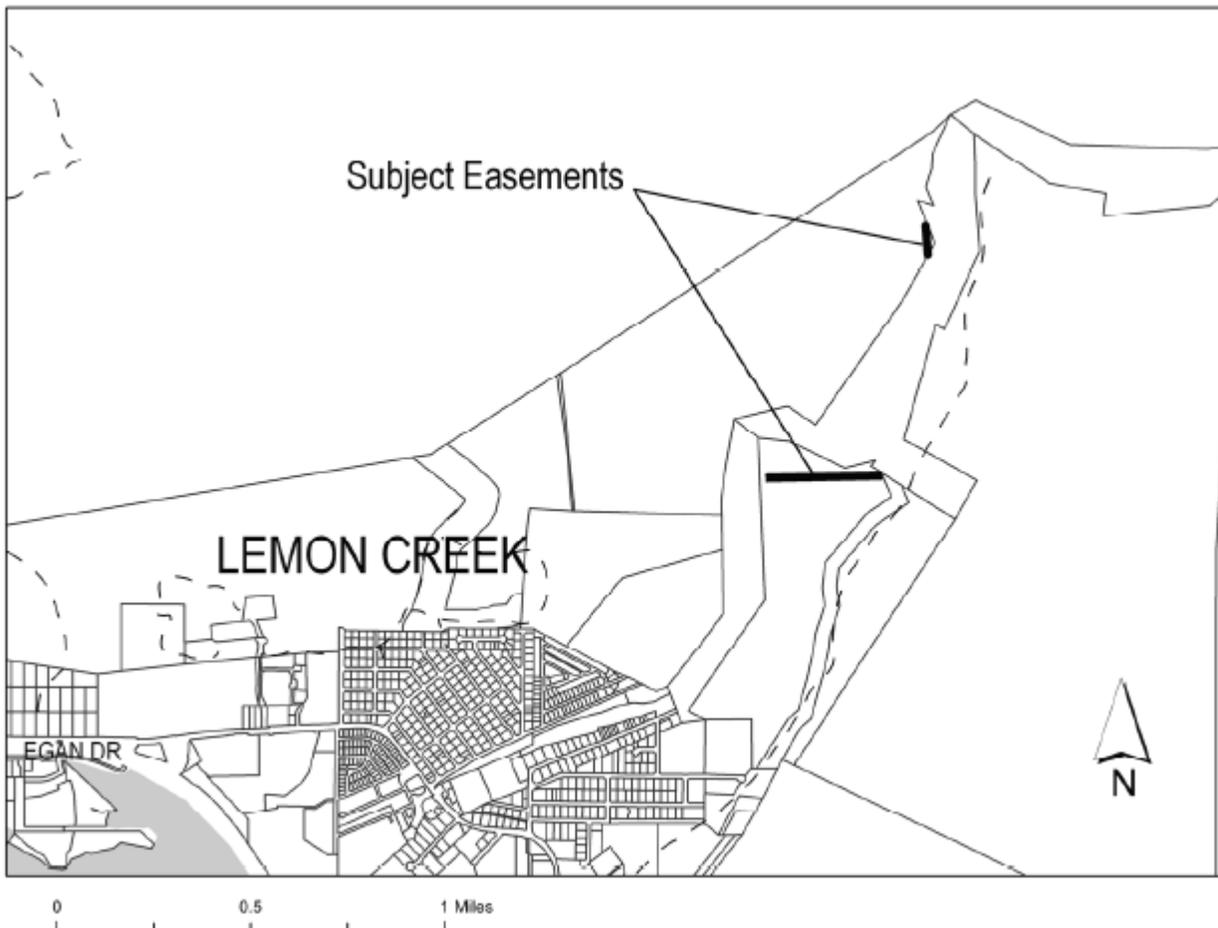
From: Ron King
Sent: Wednesday, May 28, 2014 4:49 PM
To: Jonathan Lange; Charlie Ford; Dan Jager; Ed Mercer; Greg Chaney
Subject: RE: CSP2014 0013 - City Project and Land Action Review for two easements over City property to provide access to Hidden Valley Tract B in the upper Lemon Creek Valley.

GE has no concerns with the easements.

RON KING, PLS
GENERAL ENGINEERING
CITY AND BOROUGH OF JUNEAU
907-586-0881

From: Jonathan Lange
Sent: Wednesday, May 28, 2014 3:59 PM
To: Ron King; Charlie Ford; Dan Jager; Ed Mercer; Greg Chaney
Subject: CSP2014 0013 - City Project and Land Action Review for two easements over City property to provide access to Hidden Valley Tract B in the upper Lemon Creek Valley.

Subject: Please review the attached documents related to a City Project and Land Action Review for two easements over City property to provide access to Hidden Valley Tract B in the upper Lemon Creek Valley.
File: CSP2014 0013
Parcel: 5-B12-0-136-002-1 & 5-B14-0-100-017-0



The proposal is to receive two access easements through CBJ land to get access to their property in the upper Lemon Creek Valley for Hidden Valley Tract B.

Please see the attached application and proposed plan.

Please send me comments by June 6th or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project or have any questions.

Jonathan Lange, Planner I
Community Development Department
City & Borough of Juneau, Alaska
Ph: (907) 586-0218
Fax: (907) 586-4529
Email: jonathan_lange@ci.juneau.ak.us