

# MEMORANDUM

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

**DATE:** November 25, 2014

**TO:** Planning Commission

**FROM:** Jonathan Lange, Planner *Jonathan Lange*  
Community Development Department

**FILE NO.:** AME2014 0004

**PROPOSAL:** Amendment to remote subdivision area map to include Hidden Valley Tract B in the upper Lemon Creek Valley.

## **BACKGROUND**

At the May 13, 2014 Regular Planning Commission Meeting, the Commission reviewed the above file, AME2014 0004, and recommended that the Assembly approve the remote subdivision map amendment to include Hidden Valley Tract B in the upper Lemon Creek Valley as remote (see Attachment A – Notice of Recommendation). It came to light after the Commission's recommendation that the applicant's had installed a gravel road from the end of the Lemon Creek haul road to their property. The applicants were also in the process of applying for road access easements through City and Borough of Juneau land and State of Alaska land

## **APPLICABLE CRITERIA**

City and Borough of Juneau Land Use Code Title 49 outlines the characteristics for remote subdivisions:

### **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.

## **GUIDANCE**

Staff is seeking guidance from the Commission on whether the gravel road that the applicant has put on their property still qualifies for their parcel to be designated as remote.

## **ATTACHMENTS**

Attachment A – Notice of Recommendation  
Attachment B – Planning Commission May 13, 2014 meeting minutes  
Attachment C – Applicant's Narrative and Maps  
Attachment D – Aerial Photography of Site  
Attachment E – Abutter's Notice





**PLANNING COMMISSION  
NOTICE OF RECOMMENDATION**

Date: May 14, 2014

File No.: AME2014 0004

City and Borough of Juneau  
City and Borough Assembly  
155 South Seward Street  
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding amendment to remote subdivision area map to include Hidden Valley Tract B in the upper Lemon Creek Valley.

Legal Description: Hidden Valley Tract B

Property Address: Upper Lemon Creek Valley

Hearing Date: May 13, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 24, 2014, and recommended that the City and Borough Assembly adopt staff's recommendation for an amendment to remote subdivision area map to include Hidden Valley Tract B in the upper Lemon Creek Valley.

Attachments: April 24, 2014 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding AME2014 0004.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner: Jonathan Lange  
Jonathan Lange, Planner  
Community Development Department

Michael Satre  
Michael Satre, Chair  
Planning Commission

Janice J. An 5/19/14  
Filed With City Clerk Date

**cc: Plan Review**

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

### **Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **approve** the requested Variance, VAR20140009. The Variance permit would allow for a reduction of the required side yard setback from 10' to 7' along the northwest property line in the LC zone for construction of a 7,785 square foot, 2 story bank.

Staff recommends the following condition:

1. An As-Built Survey shall be submitted showing the building to be no closer than 11 feet to the Glacier Avenue property line prior to Certificate of Occupancy.

VAR2014 0010	Variance request to reduce rear setback from 20' to 19' to make energy efficiency improvements to existing residence.
Applicant:	Norman Landvik
Location:	8213 Poplar Avenue

### **Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2012 0010. The Variance permit would allow for the reduction in the rear yard setback from 20 feet to 19 feet to make energy efficiency improvements to an existing residence.

**MOTION:** *by Mr. Miller, to approve the Consent Agenda as read, with any staff analysis and findings.*

The motion was approved with no objections.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None**

**VIII. UNFINISHED BUSINESS - None**

### **IX. REGULAR AGENDA**

AME2014 0004:	Amendment to remote subdivision area map to include Hidden Valley Tract B in the upper Lemon Creek Valley.
Applicant:	Jim Eliason & Zack Worrell
Location:	Upper Lemon Creek Valley

### **Staff 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 map amendment proposal.

Mr. Lange told the Commission that this is a proposal for a map amendment to the Remote Subdivision Area Map for Hidden Valley Tract B, located in the Upper Lemon Creek Valley. The purpose of the Remote Subdivision Ordinance is to provide a waiver for design and

improvement requirements related to the requirements of a major subdivision such as access, and utilities such as water.

The applicant wants to qualify their parcel as Remote, with the possibility that they may request a subdivision in the future, said Mr. Lange. The Director may recommend an amendment to the Remote Subdivision Area Map if a parcel meets the following requirements, said Mr. Lange:

1. Parcel should not be near capital improvements
2. Parcel should not be in a new growth area
3. Parcel should not be connected to the road system and
4. Parcel should not be served by right-of-way, water system, fire protection or police protection, or maintained by an agency of government

While the area meets the criteria for a Remote subdivision, since it is not on a road system, there have been concerns expressed by CBJ staff because the applicant has been applying for road access easements, said Mr. Lange.

The parcel is outside of the police and fire protection area, said Mr. Lange. The department has received statements of concern about the proposal from Capital City Fire and Rescue and the Juneau Police Department about health and safety, if there was to be a subdivision. The applicant is proposing a recreational cabin subdivision, said Mr. Lange.

Mr. Watson asked where the location of the parcel was in relation to the high explosive storage area.

Mr. Lange showed Mr. Watson the relationship of the areas on the map.

Mr. Voelckers verified with Mr. Lange that his conclusion was still to recommend the project, and that there would not be road access.

Mr. Lange said as the parcel currently exists, it meets the criteria for a Remote subdivision. In the future, said Mr. Lange, if the applicant subdivides the parcel, they would need to show the parcel has no road access.

Ms. Lawfer asked if the parcel acquires a road, if it would still be qualified as "Remote".

Mr. Goddard said technically there is no road and will be no road to the site because it is Remote. If a road were to be proposed in the future, said Mr. Goddard, that is the time the Commission would review the application. When it reviewed the CSP, if the applicant acquires an easement from the CBJ, it would also be evaluated in the future when and if the applicant came forward with a subdivision request. Currently there is no road, said Mr. Goddard, and the applicant can only access the site by pedestrian access. This may endanger future applications



for the applicant, said Mr. Goddard, and this would have to be addressed by the applicant in the future.

Mr. Haight said there is an existing road and asked for its location in relationship to the property.

The applicant, Zack Worrell, showed on a map where the road was in relation to his property.

Mr. Goddard said the applicant has an access easement. The initial concern expressed by the CBJ engineering and lands departments was that the existing road has trucks loaded with rock traversing it, as well as the locations of the Secon Mining facility and explosive storage on that road. The road does not go all the way to the property, said Mr. Goddard.

Mr. Watson said when the company was before the Commission to obtain the permit for its explosive storage, that they were assured the facility was secure, and that the facility was also approved by the Juneau Police and Fire Departments.

Ms. Lawfer asked Mr. Worrell where he was requesting access to his property.

Mr. Worrell showed the proposed access on a map, which included a small easement from the City. There is also a separate access point with another small easement from the City, where they may request road access in the future.

Currently, said Mr. Worrell, they access the property on a path from the end of the existing road. They plan on building up to 20 cabins, providing a recreation area for people in town not requiring boat access, said Mr. Worrell. A Remote subdivision status would enable them to construct the cabins without having to install all of the requirements of a regular subdivision, such as roads and utilities, he explained, which are not appropriate for the area, he said.

Mr. Voelckers asked what the applicant's goal was regarding easements. He also asked how the homes would be constructed.

Mr. Worrell said they could park at the end of the road, and walk with materials on the trail to their cabin site. They could helicopter materials in as well, he said.

**MOTION:** *by Mr. Watson, that AME2014 0004 be approved, with staff's findings, analysis and recommendations, asking for unanimous consent.*

#### DISCUSSION

Mr. Voelckers spoke against the motion, saying it appeared the applicant was seeking a remote designation for a development at the edge of regular development. He said he did not see that the exemption applied in this case.

Mr. Watson said his understanding is that this is a remote area, and that it was no different than remote areas such as Shelter Island remote properties that meet the requirements. He said their questions should be limited to the application before them.

Chairman Satre said the Commission had approved an application for a land parcel in the past located on the back side of Douglas where there had been concerns about the road extending from the new growth area, but it was ultimately approved for subdivision as a Remote subdivision. If a road was connected to this property before it was subdivided, said Chairman Satre, then the subdivision would have to meet the roaded subdivision requirements.

Technically, the owners of the property cannot be called applicants, said Mr. Goddard, since applicants cannot apply for text amendments. The applicant is technically the CBJ, said Mr. Goddard. This is just a text amendment so the owners can proceed with their application, said Mr. Goddard. Mr. Goddard repeated if the owners try to install a road, then they will not qualify for the remote subdivision.

Ms. Grewe said as a Planning Commission member she is uncomfortable making a decision ignoring the context and the history of the request. She said, however, that she liked the idea of building cabins in a remote site.

Mr. Goddard repeated the explanation previously given for Ms. Grewe. He said the owner meets the four criteria in the code for the land as it stands now.

Mr. Miller said he has observed people on Colt Island and other locations using their four-wheelers. He asked what identified a road system from a trail where motorized vehicles were used.

Mr. Lange said in Title 49 road is defined as having vehicular access and a gutter on both sides.

The access to the parcel would be through Lemon Creek trail.

Mr. Goddard said the definition for a roadway includes vehicular traffic and it is the portion between the curbs.

Mr. Miller spoke in favor the motion, saying he felt it has a lot of merit, and that it has been pointed out by the staff and Mr. Watson that the parcel is not on the roaded system, and that when the Commission approved the Hilda Creek remote subdivision, there had been concern that someday there would be a road there, and yet currently there still is no road to that land.

**Roll Call vote:**

The motion passed by unanimous consent.

## **MEMORANDUM TO PLANNING AND ZONING COMMISSION**

### **REGARDING HIDDEN VALLEY**

**FROM: ZACK WORRELL AND JIM ELIASON**

#### **DESCRIPTION OF PROJECT:**

There are many in Juneau who value a remote, backcountry, semi-wilderness lifestyle. A good example of this is the many Juneauites who own remote no-amenity cabins in Gustavus, Lucky Me, and Shelter Island. We want to re-create that experience in Hidden Valley.

Our plan is to create a rustic, backcountry subdivision consisting of 24 lots (ranging from 1 acre up to 20 acres in size) that have no provisions for running water, electricity, or city sewer. Consistent with the remote nature of this subdivision, we would impose covenants to prevent construction that would not be in harmony with this type of development.

In keeping with the backcountry experience that we want to develop, it is our plan to limit access to the subdivision to a “rough” road that would require a four wheel vehicle or all-terrain vehicle to access. The access route would begin at the terminus of Anka Street, approximately 2.5 miles from the subdivision. The 2.5 mile access route is entirely separate from the Juneau road system, and would remain primitive with limited improvements, maintenance, and signage.

There would be no CBJ snow removal or road maintenance. An electronic security gate would be installed in order to prevent unauthorized access to the backcountry subdivision

In the event the subdivision lot owners wish to connect to city services in the future it would be done through a local improvement district (LID) to which all the lot owners would have to agree. The LID would dictate that the lot owners, not the CBJ would be responsible for all costs associated with improvements.

#### **BACKGROUND:**

Hidden Valley Tract B was originally platted as a 66 acre gold mining claim in 1899. Over the years, the parcel has been mined for gold, and most recently (1980s) it was logged.

Hidden Valley Tract B is located upriver of the SECON rock quarry in Hidden Valley. The nearest residence is in the Lemon Creek neighborhood area, located approximately 2.75 miles from the site. The nearest business is Home Depot, located approximately 2.5 miles from the site. Access to Hidden Valley Tract B is possible during the summer months via primitive trail with a four wheel drive vehicle.

Hidden Valley Tract B is served by a series of access easements through contiguous parcels of land located downstream. Hidden Valley Tract B lies approximately 2.5 miles beyond the terminus of the nearest CBJ street (see City & Borough of Juneau Street and Property Atlas 2012 Edition) Currently, access is via the Lemon Creek Trail, and an easement through Hidden Valley Tract A, which connects to the old logging skidder trail.

## **WHY WE ARE HERE:**

We are seeking to have our backcountry subdivision qualify as a remote subdivision under the CBJ Code. We need a policy call from the Planning and Zoning Commission because what we are proposing is unique and does not neatly fit the language of the Code. There does not seem to be a means within the Code to authorize development of a backcountry subdivision having covenants that serve to maintain those backcountry characteristics.

Both the current CBJ Title 49 code and proposed (draft version) title 49 code refer to section 49.70.1120 for qualifying characteristics of a Remote Subdivision. This section reads as follows:

*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.*

The CBJ planning department agrees that Hidden Valley Tract B meets criteria (a),(b), and (d), however the intent of criterion (c) is unclear.

## **SUGGESTED APPROACHES:**

Should the type of backcountry subdivision we wish to develop be allowed as a Remote Subdivision because of the distance of our Project from City streets? Or, should a backcountry subcategory of the Remote Subdivision category be created to deal with our unique proposal.

The intent of characteristic (c) is to prevent developers from developing a subdivision and leaving the infrastructure costs of that subdivision to the CBJ. It does so by prohibiting Remote Subdivisions in proximity to city streets and infrastructure. Since the nearest City street ends approximately 2.5 miles from our subdivision you could find that we meet criterion (c).

Since the intent of criterion (c) is to protect the City from future requests for amenities from property owners paid for by the City, you could find that it is met if the developer provides legal assurances that run with the land that such a situation will not occur.



USS 5504

▨: proposed Eliasoh/Worrell driveway

▤: proposed SECON haul road

▩: Joint use

---: Approximate bounds of USS 5504 Easement

—: Area that SECON and Eliasoh/Worrell would like to purchase from CBS

Eliasoh/Worrell driveway would use SECON's vacated haul road through this area

Newly redigned haul road allows lower and more efficient access for haul trucks

Eliasoh/Worrell driveway would run along CBS/SECON common property line northeast until tie-in with existing skidder trail northeast of upper powder magazine

Hidden Valley Tract A

Where SECON haul road and Eliasoh/Worrell driveway run parallel, devices/delineators or barricades will be installed to prevent subdivision traffic from conflicting with haul trucks.

MS 609

Propose to install locked gate, delineators, and appropriate signage at this location

Haul road Bridge

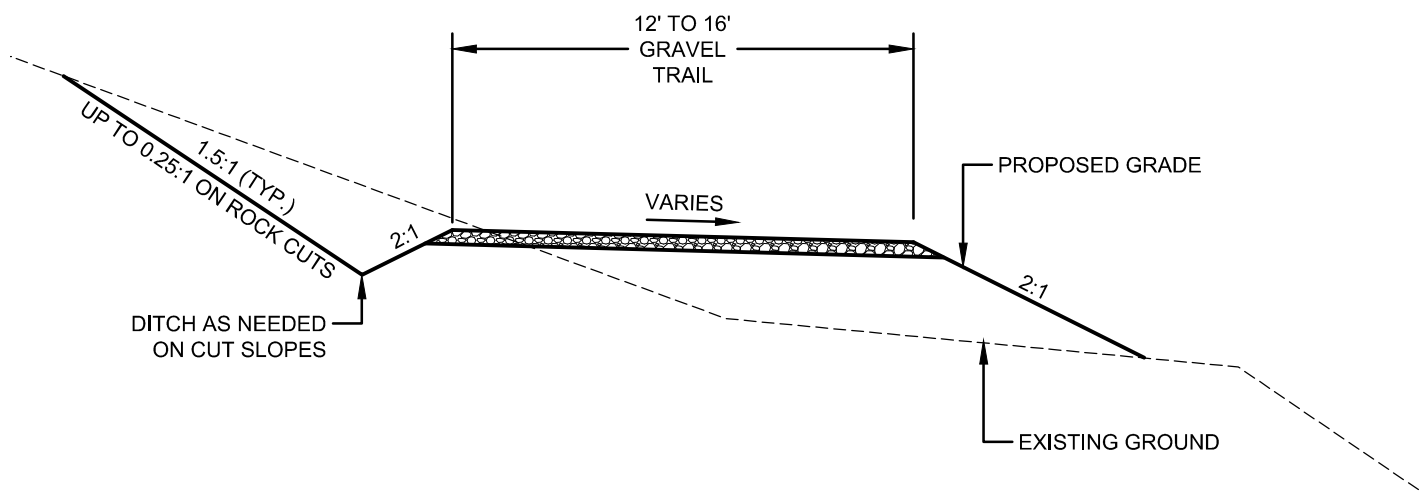
Haul road is "joint use" from SECON bridge to End of Anka St. (O'Reilly Auto parts)

ATTACHMENT C





ATTACHMENT C



TYPICAL TRAIL SECTION

## TRAIL DETAILS





New  
Road

New  
Road

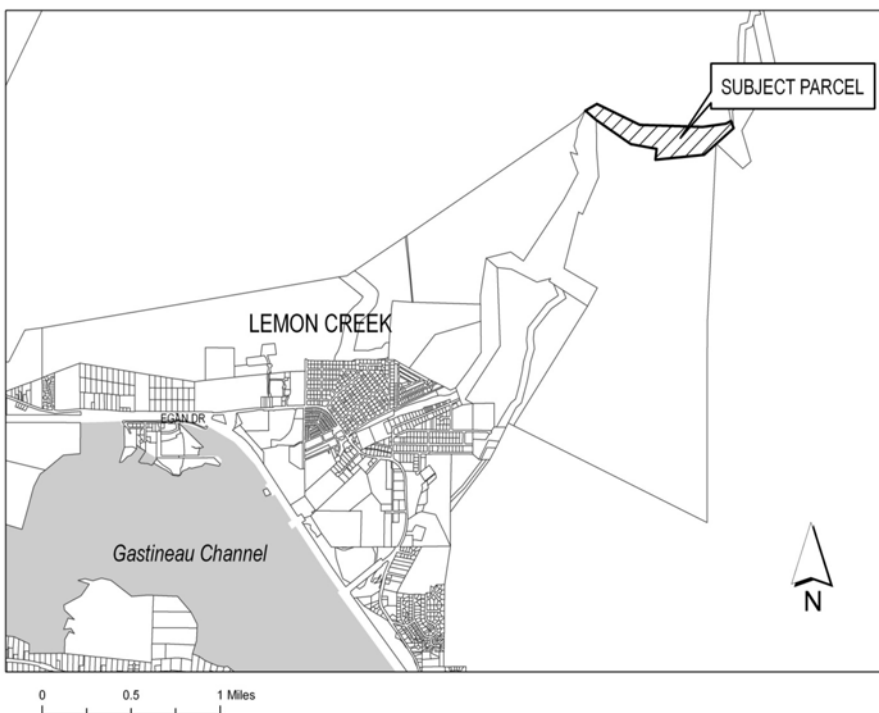
New  
Road

End of  
Lemon Creek  
Haul Road

ATTACHMENT D



# NOTICE OF PUBLIC HEARING



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

**SHIP TO:**



**PROPOSAL:** Amendment to remote subdivision area map to include Hidden Valley Tract B in the upper Lemon Creek Valley.

<b>File No:</b>	<b>AME2014 0004</b>	<b>Applicant:</b>	<b>Zack Worrell &amp; Jim Eliason</b>
<b>To:</b>	<b>Adjacent Property Owners</b>	<b>Property PCN:</b>	<b>3-M00-0-LEM-CRK-3</b>
<b>Hearing Date:</b>	<b>** December 9, 2014 **</b>	<b>Owner:</b>	<b>Zack Worrell &amp; Jim Eliason</b>
<b>Hearing Time:</b>	<b>7:00 PM</b>	<b>Size:</b>	<b>66.08 Acres</b>
<b>Place:</b>	<b>Assembly Chambers</b>	<b>Zoned:</b>	<b>Rural Reserve</b>
	<b>Municipal Building</b>	<b>Site Address:</b>	<b>Upper Lemon Creek Valley</b>
	<b>155 South Seward Street</b>	<b>Accessed Via:</b>	<b>Lemon Creek Trail &amp; Access Easement through Hidden Valley Tract A</b>
	<b>Juneau, Alaska 99801</b>		

## 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 the Community Development Department at 586-0715.*



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

**ATTACHMENT E**

*Date notice was printed: November 20, 2014*