

Agenda

Regular Planning Commission Meeting City and Borough of Juneau Mike Satre, Chairman

November 24, 2015
Assembly Chambers
7:00 PM

- I. ROLL CALL
- II. APPROVAL OF MINUTES
 - A. October 27, 2015 Planning Commission Committee of the Whole Meeting
 - B. October 27, 2015 Regular Planning Commission Meeting
- III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- IV. PLANNING COMMISSION LIAISON REPORT
- V. RECONSIDERATION OF THE FOLLOWING ITEMS
- VI. CONSENT AGENDA
- VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS
- VIII. UNFINISHED BUSINESS
- IX. REGULAR AGENDA
- X. BOARD OF ADJUSTMENT
 - A. VAR2015 0031, A Variance request to the requirement for frontage and practical access on a public right-of-way for a proposed minor subdivision.
- XI. OTHER BUSINESS
- XII. DIRECTOR'S REPORT
- XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES
 - A. October 26, 2015 Draft Lands Committee Meeting Minutes
- XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XV. ADJOURNMENT

MINUTES
Planning Commission
Committee of the Whole
 CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

October 27, 2015

I. ROLL CALL

Dennis Watson, Vice Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:22 pm.

Commissioners present: Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Matthew Bell, Paul Voelckers

Commissioners absent: Mike Satre, Chairman; Michael LeVine, Nicole Grewe, Dan Miller

Staff present: Rob Steedle, Interim Planning Director and Deputy City Manager; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Jonathan Lange, Planner II; Greg Chaney, Lands and Resources Manager; Dan Bleidorn, Deputy Lands and Resources Manager; Robert Palmer, Assistant Municipal Attorney

II. REGULAR AGENDA

- Review of 2015 Land Management Plan Update.

Mr. Chaney told the Commission the Lands Department had received a fairly lengthy memo on the draft Land Management Plan from the Parks and Recreation Advisory Committee (PRAC) regarding property that they own or wish to manage. The PRAC reviewed the draft Land Management Plan that was presented to it at its September 8, 2015 meeting.

The PRAC recommended that LND-0665 which is the Smith Park Subdivision III Greenbelt be put up for disposal, as well as LND-1406, at Three Mile North Douglas Highway, which is False Creek; and LND-0837 which is the Subdivision Mountainside which encompasses the parcels at the bottom of the hill, said Mr. Chaney.

LND-0665 would most likely be offered to the adjacent property owners, said Mr. Chaney. LND-1406 is land which the City owns which does not actually contain the creek, said Mr. Chaney. It may be worth considering the disposal of the part of this land which is outside of the buffer zone for the creek, said Mr. Chaney. LND-0837 are such small land portions that homes could not be built upon them, so if the land was disposed of it would need to be disposed of to adjacent property owners, said Mr. Chaney.

The PRAC also provided a list of land managed by Parks and Recreation where disposal would be appropriate with the opportunity to trade for new park land managed by other departments. For these properties Parks and Recreation proposed that it maintain lands for stream and trail corridors ~~s doors~~, and for large tracts, maintain a portion of lands for future neighborhood parks and trails to be connected to adjacent corridors and park land, noted Mr. Chaney in his memo to the Commission.

Mr. Chaney noted that the trading of lands is not as easy as some might believe. There must be two properties of roughly equal value for the trade, he noted.

The lands it identified for this proposal are:

- ✓ LND-0020 Pearl Harbor Shoreline - planning includes 96 acres of waterfront property between Amalga Harbor and Pearl Harbor. Mr. Chaney said it would be difficult to subdivide since the property does not have road access.
- ✓ LND-0114 Portion of South Tee Harbor along the existing right-of-way, maintaining the Shoreline trail. The land is already subdivided, said Mr. Chaney. The lots could ~~be relatively to sell~~ relatively easily be sold, he said.
- ✓ LND-0118 Western portion of the Peninsula - to get the maximum value out of this land it would need to be subdivided, noted Mr. Chaney.
- ✓ LND-0315 Auke Bay Elementary School and the Spaulding Meadows Trail, keeping a portion as the trail corridor
- ✓ LND-0435 West Valley Wild Meadow Park (west parcel) - this land is largely wetlands, and because of having so many conditions attached to it, it would be difficult to dispose of for development purposes, said Mr. Chaney.

Mr. Voelckers asked if there is any specificity currently outlined for the bypass corridor through Auke Bay.

There currently exist six potential routes across the hillside, said Mr. Chaney.

- ✓ LND-0520 Mendenhall Smuggler's Cove - this is a large property composed of over 340 acres, said Mr. Chaney. Disposing of this land would be tricky because there is no current right-of-way access, he noted. With no water or sewer service in place either, it would be a very expensive property to dispose of at this time, he said.

Mr. Watson said he felt this acreage would be a pretty good candidate for some development.

- ✓ LND 0610 Base of Thunder Mountain requiring a trail corridor to the existing trail - Mr. Chaney said that he did not feel that development of this large property which lies at the base of Thunder Mountain would be a good idea. The land is composed of 226 acres and is comprised of a lot of land hazards, he said. In addition, there is an anadromous stream at the base combined with another stream and flood hazards, he said. There are also large portion of wetlands involved, said Mr. Chaney.
- ✓ LND-0867 White Subdivision, Norway Point - Mr. Chaney said there is no way that he would want to recommend the disposal of this land. It is one of the most dangerous residential areas in the nation, he said.
- ✓ LND-1007 North Franklin Parking
- ✓ LND-1019 West 6th Street, Juneau
- ✓ LND-1021 Calhoun Avenue, greenbelt above the Governor's Mansion
- ✓ LND-1079 East Park above Gastineau Avenue

Lands managed by other CBJ departments that would be desirable for management transfer to Parks and Recreation:

- ✓ LND-0812 Land behind the prison, North Lemon Creek - retain for possible ATV Park The City is developing its new gravel pit in this area, said Mr. Chaney. Because it would cause less noise to bleed over into residential areas than the other proposals, said Mr. Chaney, he said he felt this would be the best proposed area for an ATV Park

- ✓ LND-0829 RSH Subdivision, Lemon Creek - retain for possible ATV Park
- ✓ LND-0830 HDK subdivision behind Home Depot - retain for possible ATV Park
- ✓ LND-1420 8 mile North Douglas Highway, Fish Creek Road - retain and make parks
- ✓ LND-1430 4 mile North Douglas Highway, Southeast of Bonnie Brae Subdivision
- ✓ LND-1450 .75 mile Fish Creek Road, access road to Fish Creek quarry
- ✓ LND-1470 North West Douglas Island, Outer Point, Shaman Island
- ✓ LND-1500 34 to 38 Mile North Glacier Highway, Cowee Creek, Bridge Cove Greenbelt
- ✓ LND-1200 Large lots above Glory Hole - make historic parks
- ✓ LND-1210 Douglas above Crow Hill - make parks
- ✓ LND-1290 Mining claims around Gloryhole - make historic parks

While the Airport Board Committee did not recommend any land for disposal, at its September 25, 2015 Airport Board Operations Committee meeting, the Committee made a motion that the following properties be recommended for future acquisition *if funding and the land were to become available*:

1. Land adjacent to the airport property at the north east quadrant which is located near the Mendenhall state game refuge.
2. The parcel surrounded by airport property; on Yandukin drive near the current sand/chemical building and east of terminal and car rental lot.
3. Interchangeable priority with number four is the north Greenbelt east along the Jordan Creek corridor.
4. Interchangeable priority with number three is the north Greenbelt west along the Jordan Creek corridor.
5. The triangular parcel abutting the northwest corner of the airport property on La Perouse Avenue; adjacent to the tank farm and impound lot.

Docks and Harbors would like what is known as the Archipelago property, said Mr. Chaney.

Commission Comments and Questions

Mr. Voelckers commented that the Planning Commission is the agency through which all of the different City land plan structures are coordinated. He said to him this means that the Commission needs to sit back and take a look at what this means in terms of process. He said this would probably involve a subcommittee of the Planning Commission to work with the staff through some of these areas. He said he felt it would be helpful to have a strategy on how to make all of this come together instead of addressing it in a piecemeal fashion.

Mr. Chaney said at this juncture he has been attempting to meet with all of the different boards, collect their comments and present those to the Commission. He said once adopted, the Land Management Plan will be coming around again in two years for an update, and at that time any neglected pieces could be interjected into the Plan if that was the wish of the Commission.

Mr. Watson said the draft Land Management Plan before them is the best tool that they have been presented with. He said Mr. Voelckers had a good point as far as coordination of the different pieces, and that he felt that coordination should come through the Lands office.

Mr. Chaney said if the Commission would like to provide him with any direction on how to relate and coordinate with the other boards, that he would be happy to follow that direction.

Mr. Voelckers said he felt that active participation of the Commission via a committee, for example, in the current process of identifying lands for disposal and retention would be a more effective way to accomplish this rather than the Lands Department going out and collecting information from the various departments and then presenting that to the Commission.

Mr. Bell commented that he felt that the Lands Management Plan is amazing and that it also puts into perspective just how big of a task this is.

In answer to Mr. Voelckers' question about where funds from land disposal would go, Mr. Chaney said any sale of Parks and Recreation land would go back to the Lands Fund but any sale of airport property would go back to it, as would land sold by Docks and Harbors revert back to Docks and Harbors.

Mr. Watson said this issue needed to come back before the full Planning Commission, and hopefully before the current Commission before three new members took their places on the Commission in a few months.

Mr. Voelckers said he felt two or three months of coordinating the facets of the plan before it came back to the Commission for approval was a good idea.

Mr. Chaney asked the Commission members for their specific instructions on what they would like brought back to the Commission in a few months' time.

Mr. Voelckers said he thought they would get the overview of what the other boards had presented tonight with subsequent meetings of a subcommittee working with the appropriate staff to discuss some of these focus areas in the plan such as 6th Street in Douglas, which would help Mr. Chaney come back to the Commission in a few months' time with a more fleshed out lands plan.

Mr. Haight said he agreed that the next step would be to start meeting with staff on a subcommittee basis to better unify the Plan. He said it was up to the Commission to see that there was balance in the Plan.

Mr. Watson said he felt for the next Commission meeting they could be presented with a more condensed version of what the various boards are proposing regarding land disposals and acquisitions. It is a daunting task, said Mr. Watson, noting that it took seven years to accomplish the subdivision review.

Mr. Chaney said that he understood that they would be scheduled for the next available Planning Commission meeting and at that time present to the Commission a general overview memo regarding what they had achieved in terms of gathering comments since the draft Land Management Plan has been provided.

The staff noted that this item has been scheduled for the November 10, (2015) Planning Commission meeting.

- Subdivision access and frontage

The staff has been working hard on the complicated topic of shared access roads, said Ms. Boyce. CDD has been approving subdivisions with shared access when it is not outlined in the Code that this can be done, she added. Currently the only parcels of land that can have shared access are panhandle subdivisions, said Ms. Boyce.

CDD over the years has been approving subdivisions of three to four lots that might share one driveway, said Ms. Boyce. In order to codify this practice, Ms. Boyce said the Code needs to be amended. The Assembly directed the CDD staff to work with the Planning Commission on this issue, said Ms. Boyce. The staff met with the Subdivision Review Committee in July along with representatives from the Department of Transportation (DOT), as well as representatives from the Department of Law and the Manager's office, she said.

Since that meeting the staff has been working with the Law Department to come up with some concepts to be discussed with the Commission tonight before Code language is developed to be

presented to the Commission, said Ms. Boyce. In the newly modified Subdivision Ordinance the only place where a privately maintained access road would be allowed is as a public right-of-way only outside of the urban service area boundary, and it would be applicable for minor subdivisions. It could be a gravel road with a minimum of 20 feet which would meet international fire code standards, said Ms. Boyce. It could serve no more than 13 lots or 211 average daily trips, she explained.

They are proposing to allow privately maintained access for no more than three lots borough-wide. This could be a 50 foot easement which could be reduced. The lot would not have to meet the frontage requirement, said Ms. Boyce. Each lot must have a minimum of 30 feet of frontage on a publicly maintained street, she said. This is supposed to be direct and practical access from the street to the lot, explained Ms. Boyce.

They are proposing that in some cases the lots would not have to meet that frontage requirement, said Ms. Boyce. Instead the lots could front on the shared access easement, she said, not on a dedicated Street. If the grade of the road would exceed 10% the staff proposes that it would be paved to ensure safe access, said Ms. Boyce.

These options would not be available in all instances but under circumstances such as when DOT limits access points to the street which has recently been a fairly common practice, said Ms. Boyce. The shared access would also be considered when direct access to the street posed a safety hazard, said Ms. Boyce.

This would only apply to single-family zoned residential subdivisions which includes rural reserve, D-1, D-3 and D-5 zoning, said Ms. Boyce. Access roads would also not be allowed if it would hinder street connectivity, said Ms. Boyce. The use would be limited to one single family home with an accessory apartment, said Ms. Boyce.

They are presuming that this would be a new type of permit which would be sought at the time of the subdivision approval, said Ms. Boyce. It would be up to the CDD Director to approve this type of permit, said Ms. Boyce. It would be the responsibility of the owners to maintain these access roads, said Ms. Boyce. They are also proposing that should a public street be made available to serve these lots, that the owners could automatically abandon their rights to the easement and instead be served by the public street, said Ms. Boyce.

Commission Comments and Questions

Mr. Voelckers asked if to meet the fire code standards if the access road would need to have a turn-around for fire equipment.

This would be determined through the Fire Department review for each individual application, explained Ms. McKibben.

Mr. Voelckers said that is something that could be worked on because it would obviously make a much larger access road requirement if the fire equipment turnaround was required.

Mr. Haight said that he could see the value of reviewing Fire Department access to the access roads during the individual review of each permit. If the access road was short enough a turnaround for the fire Department would not be necessary, said Mr. Haight.

Mr. Palmer noted that the Fire Code states that a turnaround is likely required if the private access is longer than 150 feet.

In answer to Mr. Watson's question, Ms. Boyce responded that these Code adjustments would apply borough-wide, not just in North Douglas. In answer to Mr. Watson's second question Ms. Boyce stated that many lots do currently exist within the Borough which are landlocked. This provision as proposed could not move forward if it would create a parcel behind it that would be landlocked, said Ms. Boyce.

Mr. Voelckers asked if with a variance if this could be allowed for up to four residences, for example.

Mr. Palmer responded that this would be a question for the Commission to resolve and for the Assembly to ultimately decide. He said that his understanding is that the Assembly has directed that the CDD is to look through the Code to make standards easier and practicable, and at the same time limit the application of variances.

Mr. Watson said if a request was made outside of the Code, that he did not see why a party could not request a variance, which did not mean that they would be granted one.

Mr. Haight said he knows of one subdivision on North Douglas that exceeds the access currently under discussion.

Ms. Boyce answered that currently within the Code the only places within the Borough that could subdivide with access only for an easement and not through right-of-way would be in remote subdivisions. The property under question would not be able to subdivide unless it applied for a variance, she added.

Consideration of shared access will next be presented to the full Commission.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** – None

V. ADJOURNMENT

The meeting was adjourned at 6:47 p.m.

DRAFT

MINUTES
Planning Commission Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

October 27, 2015

I. ROLL CALL

Dennis Watson, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 pm.

Commissioners present: Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Matthew Bell, Paul Voelckers

Commissioners absent: Mike Satre, Chairman; Michael Levine, Nicole Grewe, Dan Miller

Staff present: Rob Steedle, Acting Planning Director and Deputy City Manager; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Tim Felstead, Planner I; Allison Eddins, Planner I; Greg Chaney, Lands and Resources Manager

II. APPROVAL OF MINUTES - None

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Marijuana Operations Ordinance

Assembly Liaison Loren Jones reported that at the Assembly Committee of the Whole meeting they looked at the zoning ordinance for marijuana operations. After a lot of discussion the Assembly made no changes to the ordinance as it currently stands. There will be several amendments made subsequent to the public hearing on November 9, (2015) reported Mr. Jones.

Front and Franklin Street Renovations

The Public Works Committee received a small report on Franklin and Front Street renovations that are currently transpiring, said Mr. Jones. There will be a public hearing on this item December 9, (2015) he reported.

Whittier Street

Whittier Street was also discussed, with a completion date targeted for early spring, reported Mr. Jones. There is a public hearing on Whittier Street to be held on November 12, (2015) at KT00, said Mr. Jones. He said that item should be before the Planning Commission at its November 10, (2015) meeting.

Downtown Parking Report

At the Public Works and Facilities Committee meeting yesterday the issue of the downtown parking report was raised by Mr. Watson, said Mr. Jones. It was reviewed by the Assembly Committee of the Whole in June and has not progressed since that presentation, said Mr. Jones. Mr. Jones said he thinks that report will be coming to the Planning Commission for review soon.

Housing Action Plan

A report was also given on the Housing Action Plan, said Mr. Jones, which will next be presented to the Planning Commission for its input prior to any action by the Assembly.

Airport Master Plan

They are currently about halfway through the process for the Airport Master Plan, reported Mr. Jones.

Planning Commission Vacancies

There are four vacancies on the Planning Commission coming up with the application deadline set at December 1, (2015) said Mr. Jones. This is currently scheduled for the Human Resources Committee on December 15, (2015), he reported. Those new positions on the Commission would commence on January 1, (2016) said Mr. Jones.

Commission Comments and Questions

Mr. Voelckers commented that the impact of parking as a result of the Willoughby Arts Center expansion should be addressed in the parking study.

Mr. Jones responded that there are two parking studies and the planning study is to be done for the Willoughby area identifying parking needs and possible solutions. They added to that parking management in downtown, said Mr. Jones, which is the report which he had been addressing.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

SMF2015 0007:	Final Plat review for a seven lot subdivision in a D-15 zoning district.
Applicant:	City and Borough of Juneau
Location:	Renninger Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Final Plat permit. The permit would allow Final Plat approval for the proposed Renninger Subdivision.

It is recommended that the current School Zone design and coverage be reviewed to account for the new dwellings in this subdivision.

AAP2015 0023: A Conditional Use Permit for accessory apartment on an undersized lot.
 Applicant: Brad Campbell
 Location: 755 5th Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Accessory Apartment permit. The permit would allow the development of a 528 square foot, one bedroom accessory apartment on an undersized lot as per the submitted plans.

The approval is subject to the following conditions:

1. The open building permit related to construction of the single family dwelling (BLD1998-00465) be finalized. This includes submission of an asbuilt survey showing the required 20 foot front yard setback is met. The deed restriction should be released by CBJ once this condition is met.

USE2015 0008: Conditional Use Permit to convert a church into a child care center in a D-3 zoning district.
 Applicant: Israa and Loren Gehring
 Location: 4341 Windfall Avenue

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a child care center in a D3 zoning district in conjunction with a previously approved church.

The approval is subject to the following conditions:

1. No more than 21 children at any one time are allowed to use the child

care center on the subject lot.

2. No visitor or employee parking will occur within the Windfall Avenue right-of-way.
3. On-site lighting will not produce glare onto any public right of way or neighboring property

CSP2015 0014: Cope Park Improvements Phase II.
 Applicant: City and Borough of Juneau
 Location: Cope Park Area

Staff Recommendation

Staff recommends that the Planning Commission adopt the findings in this staff report and recommend to the Assembly that CSP2015 0014 is consistent with adopted local plans and policies, as required by CBJ 49.15.540.

The Consent Agenda was unanimously approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0014: Planning Commission review of Preliminary Draft Juneau Wetlands Management Plan Update.
 Applicant: City and Borough of Juneau
 Location: Borough-wide

Ms. Camery said that the preliminary draft of the Juneau Wetlands Management Plan was initially presented to the Commission at its ~~October~~ November 13, (2015) meeting. They have received no new comments since that meeting, said Ms. Camery, but they are expecting comments by the end of the month from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

Ms. Camery said there are three questions from which the Planning Commission could focus on for review:

1. Do we want to use the document strictly as an information resource, or do we want to categorize wetlands?

2. Other areas of the document that need additional explanation or additional information?
3. Are there ways to make the document more user-friendly?

This document will be coming back to the Commission in a revised form with changes from the consultant in February, said Ms. Camery. The work with the contractor ends in June, but the grant requires only a draft of the document, said Ms. Camery. They also anticipate coming back to the Commission relatively soon to discuss [a framework for developing the wetland](#) categories within the document which have been under discussion, said Ms. Camery.

Commission Comments and Questions

This document is important because it will have a big effect on future development within the community, said Mr. Watson.

Mr. Voelckers asked what method Commission members should use to provide their comments on this document.

Ms. Camery said that Commission members can email her directly, or they could provide comments as a formal Planning Commission. She said whatever method Commission members wish to use to communicate would be fine.

Mr. Watson said that whatever they come up with needs to be able to be understood by the public. He asked how the Planning Department is currently reviewing wetlands since the current wetlands document is no longer compliant with federal regulations.

They are using the existing maps as a resource, answered Ms. Camery. Applicants are then directed to the Army Corps of Engineers to obtain permission for a permit, she added.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

- Alaska Superior Court Decision re: USE2015 0027, Landscape Alaska Conditional Use Permit

Mr. Watson said reading this Superior Court decision made it evident how closely the Superior Court viewed the action of the Commission and the content of the staff reports.

Mr. Steedle commented that he highly recommended that the Commission members read the Superior Court decision on the Landscape Alaska Conditional Use Permit. He said the judge reviewed 12 points which were raised, and subsequently upheld the decision of the Commission which the Assembly took under appeal.

Mr. Voelckers asked if the Lendrums can now lease adjoining City property.

The path is now open if the Lendrums still want to acquire a lease, answered Mr. Steedle.

XII. DIRECTOR'S REPORT

The Affordable Housing Commission has been acting as the steering committee for the Housing Action Plan, said Ms. McKibben. The Plan will be put out for public comment and those comments will come back through the Affordable Housing Commission which will review those comments and incorporate them into the Plan as necessary, said Ms. McKibben, before it comes to the Planning Commission for review. The ultimate goal is that the Housing Action Plan will be adopted as ordinance and incorporated into the Comprehensive Plan, said Ms. McKibben.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lands Committee

Mr. Peters reported that the Lands Committee met on Monday, and reviewed the Wetlands Management Plan. They also had a presentation on the stream mapping project, he said. The land trade with the church for access to Pederson Hill has been completed, said Mr. Peters. The contract for the Reninger Subdivision has also been awarded, he said. There is also new signage for air quality which will be posted within the community, he said.

Commission on Sustainability

Mr. Haight reported that the Committee on Sustainability meets on October 28, (2015) to work on the energy plan.

Public Works and Facilities Committee

Mr. Watson reported that the Public Works and Facilities Committee met on Monday. The contractor hoped to begin demolition of the Gastineau Apartments building within the next several weeks, said Mr. Watson. He added that the presentation on Front and Franklin streets was very interesting. It will be presented to the Commission, he added.

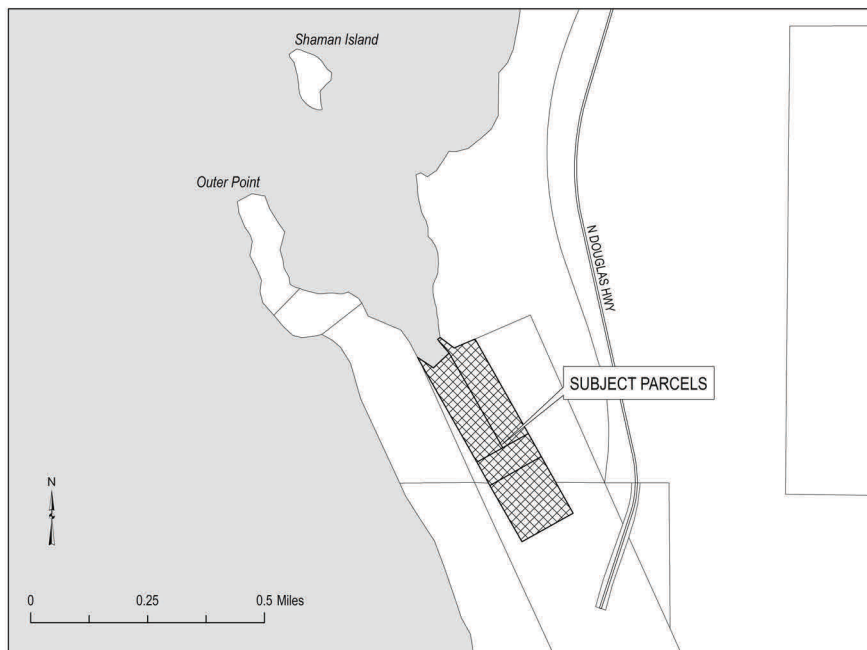
XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

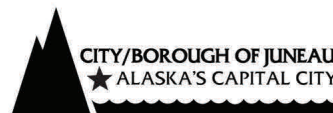


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to the requirement for frontage and practical access on a public right-of-way for a proposed minor subdivision.

File No:	VAR2015 0031	Applicant:	Peterson Creek Landowners Association
To:	Adjacent Property Owners	Property PCN:	3-D14-0-107-001-0; 002-0; 003-0; 004-0
Hearing Date:	November 24, 2015	Owner:	Multiple
Hearing Time:	7:00 PM	Size:	Approximately 34.6 acres
Place:	Assembly Chambers	Zoned:	Rural Reserve
	Municipal Building	Site Address:	14010 through 14040 N. Douglas Highway
	155 South Seward Street	Accessed Via:	N. Douglas Highway
	Juneau, Alaska 99801		

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 week 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@juneau.org or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: November 18, 2015

TO: Board of Adjustment

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

FILE NO.: VAR2015 0031

PROPOSAL: A Variance request to the requirement for frontage and practical access on a public right-of-way for a proposed minor subdivision.

GENERAL INFORMATION

Applicant: Peterson Creek Landowners Association

Property Owners: Jill Sandleben
David and Jeannine Bonk
Mareen O'Leary and Armenio Campos
Gretchen Keiser and Bob Wild
Ann Turner Olson and Marlyn Olson
Ray and Connie Staska
Connie Keithahn

Property Addresses: 14010, 14020, 14030, and 14040 North Douglas Highway

Legal Descriptions: USS 1555 Tracts 1, 2, 3 and USS 1555 Outer Point Tract 4

Parcel Code Numbers: 3-D14-0-107-001-0; 002-0; 003-0; and 004-0

Site Size: 4 Tracts; 34.62 Acres

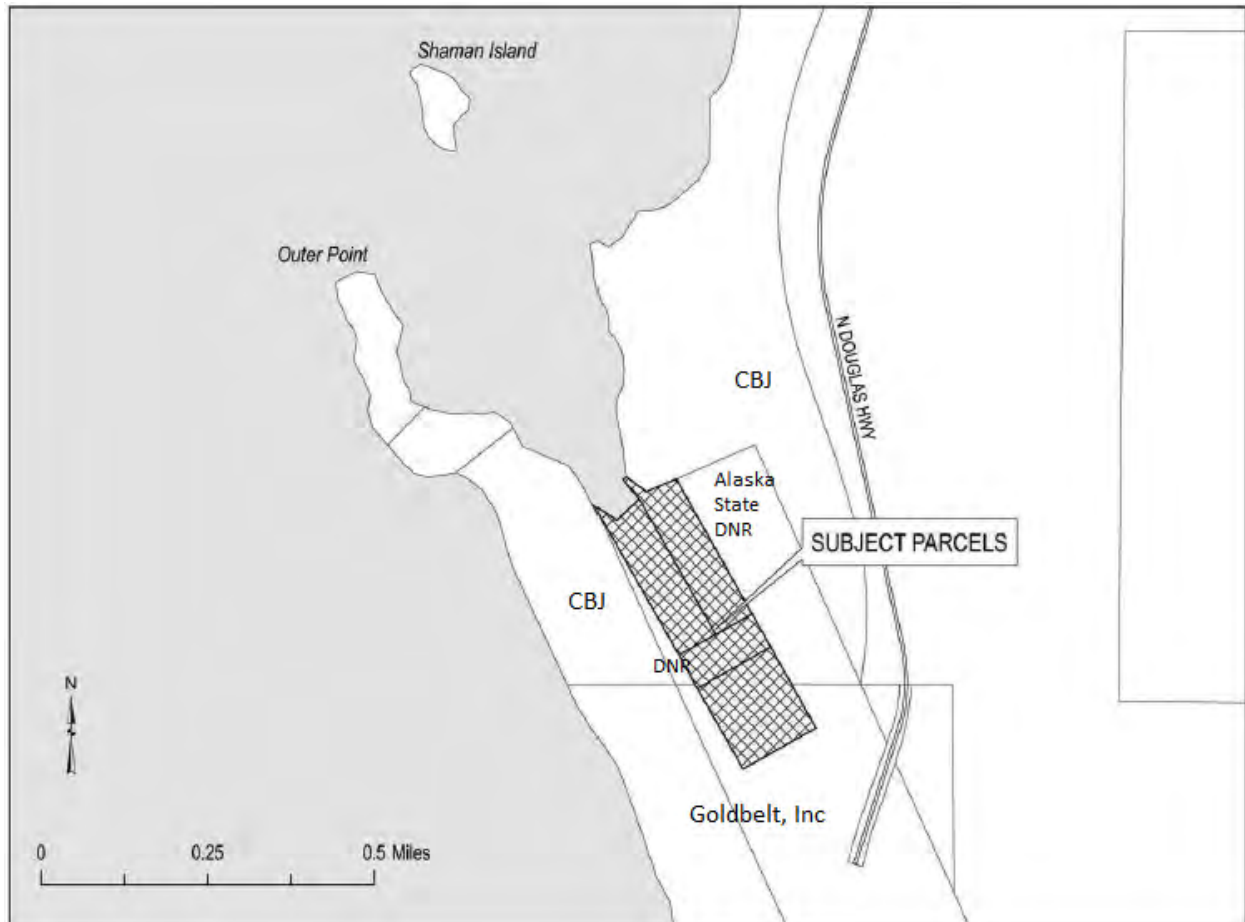
**Comprehensive Plan Future
Land Use Designation:** RD – Resource Development

Zoning: RR – Rural Reserve

Board of Adjustment
File No.: VAR2015 0031
November 18, 2015
Page 2 of 10

Utilities:	On-site water and wastewater
Access:	North Douglas Highway
Existing Land Use:	Single-Family Residences
Surrounding Land Use:	North RR – Vacant State and CBJ Land South RR – Vacant Goldbelt/Sealaska Land; End of N. Douglas Hwy East RR – Vacant State and CBJ Land West RR – Vacant Goldbelt and CBJ Land

Vicinity Map



Board of Adjustment
File No.: VAR2015 0031
November 18, 2015
Page 3 of 10

ATTACHMENTS

Attachment A – Variance and Development Permit Applications
Attachment B – Narrative and Attachments
Attachment C – Agency and Internal Review Comments
Attachment D – Subdivision Review Committee Minutes (*Possible Blue Folder Item*)
Attachment E – Public Notice
Attachment F – Site Pictures
Attachment G – Applicant’s Comments

PROJECT DESCRIPTION

The applicants are requesting a variance to the access and frontage requirements for subdivisions. The Land Use Code, Title 49, requires each lot created through a subdivision to have direct and practical access to, and a minimum of 30 feet of frontage on a right-of-way maintained by an agency of government (CBJ 49.15.424(b)). The four tracts of U.S. Survey Number 1555 (USS 1555) are located near the end of North Douglas Highway, and are accessed by an approximately 1,178 foot or 0.2 mile long and 40 foot wide private easement across Goldbelt and Sealaska land (See Attachment B for map).

The applicants have proposed to subdivide the four tracts into nine lots, but have requested to do so without creating the right-of-way connection within USS 1555 to each lot and from the subdivision to North Douglas Highway. Therefore, they have requested the proposed variance.

BACKGROUND

USS 1555 was platted in 1925. In 1965, North Douglas Highway was extended and built to its current length. The U.S. Forest Service (USFS) granted an easement to USS 1555 in 1968, for the construction of a private roadway/driveway in a 40 foot easement.

In 1977, the owners of USS 1555 applied for and received a platting waiver to subdivide the parcel without direct access by a public right-of-way. The basis of the waiver was that access was by the USFS easement, and the landowners would have restrictive covenants for the subdivision. The City and Borough of Juneau (CBJ) Platting Board approved the platting waiver.

The Peterson Creek Landowners Association (PCLA) was established in 1978 along with the restrictive covenants, which provide for the access and maintenance of the common driveway through USS 1555. The covenants also restrict further subdivision within USS 1555. In Attachment B (the applicant’s Attachment 4, Restrictive Covenants), Article II states that no parcel may be further subdivided into lots of less than three acres, or to create any lot with more than one dwelling unit unless that lot is six acres or greater.

Board of Adjustment
 File No.: VAR2015 0031
 November 18, 2015
 Page 4 of 10

The same year, Goldbelt, Inc. was granted the land at the end of North Douglas Highway, including the land with the access easement to USS 1555. PCLA entered into a rental agreement with Goldbelt for the use of the driveway easement. In 2003, PCLA purchased the permanent easement rights to the 40 foot private easement to access USS 1555. The driveway is currently constructed at a width varying from 12 feet to 18 feet.

USS 1555 is outside of the Urban Service and Fire Service Area, and is classified as “Not Remote” on the Remote Subdivision Areas map.

ANALYSIS

Title 49 - The applicant has applied for a variance to the following section of code regarding access to a subdivision.

CBJ 49.15.424(b)

Publicly maintained access within a subdivision. Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

Variances to the above criteria have been discussed by the Board of Adjustment in the past. Title 49 only allows for subdivision, with access through an easement, for remote subdivisions. The proposed subdivision is not remote. Access via a public right-of-way is important for health, safety, and welfare, so that the owners of each lot may have free access from their lots to a public street.

The following section of code allows for development of right-of-ways that are not publically maintained. These roads, unpaved if outside the Urban Service Area, shall be constructed to a 20 foot wide travel way within a 60 foot wide right-of-way, with no sidewalk required.

CBJ 49.15.424(c)

Privately maintained access within a subdivision. A subdivision may create new lots served by a privately maintained access road not maintained by an agency of government as provided by CBJ 49.15, article IV, division 4. All lots must have either a minimum of 30 feet of frontage to the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

USS 1555 is outside of the Urban Service Area, but the lots do not front on a right-of-way, therefore the above code does not apply.

Habitat- Peterson Creek is a cataloged anadromous water body; development along the stream is subject to habitat buffers in CBJ Title 49.70.310(a) (4) and (b) (1), as well as at CBJ 49.70.950(f).

Board of Adjustment
 File No.: VAR2015 0031
 November 18, 2015
 Page 5 of 10

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;

The current driveway that accesses the homes within USS 1555 is located adjacent to Peterson Creek. At some areas the driveway comes as close as 3 feet from the creek. In order to provide a right-of-way within the subdivision the new right-of-way within the subdivision would be required to meet the above buffer. The driveway was created prior to our current code requirements, therefore, the driveway is considered non-conforming, but would have to meet the current code requirements with expansion of the subdivision.

Subdivision Review Committee (SRC) – The SRC discussed the PCA's requested variance and proposed subdivision at their November 10th, 2015 meeting. Staff presented the request and asked for the SRC's recommendation and guidance on the main issues of the request: direct and practical access and 30 feet of frontage on a right-of-way; and the driveway being adjacent to Peterson Creek, an anadromous stream. The applicants then were given time to explain and discuss their requested variance and proposed subdivision.

The SRC discussed the main issues of the request and posed the following questions and suggestions to staff. Commissioners Voelckers and Miller asked if a right-of-way could be platted within USS 1555, if it were platted outside the 50 foot stream buffer without containing the driveway; and that in the future the right-of-way could be used as access. *Staff's response: Current code requires a right-of-way to be improved to standard when platted. Access is required to be obtained to the new lots through the right-of-way. This is the purpose for the requested variance.*

A comment and question was made by Commissioner Voelckers questioning if the proposal included a "grandfathered access"; and if the impacts to the access "appeared benign", or was "passive" in reference to impacts. *Staff's response: The access is currently considered legally non-conforming, but would be aggravated with the proposed subdivision and increase in average daily trips generated.*

Commissioner Haight stated that mitigation measures could be put in place to allow for the continued usage of the driveway that is within the stream buffer. That, at the time of expansion of the driveway or allowance of further development within USS 1555, that the applicants could be required to make improvements to the habitat, and that a possible plat note could be added requiring snow removal from the driveway to be pushed away from the stream. *Staff's response:*

Board of Adjustment
 File No.: VAR2015 0031
 November 18, 2015
 Page 6 of 10

Yes, these methods could be used, and have been used in the past, to mitigate potential impacts to the stream for adjacent vehicular ways.

Commissioner Miller inquired if the right-of-way width could be reduced to fit over the 40 foot wide easement from USS 1555 to North Douglas Highway through Goldbelt/Sealaska land?

Staff's response: Yes; Title 49 allows for right-of-way minimum width standards to be reduced by up to 25 feet if the street has less than 500 average daily trips (CBJ 49.35.240 (b)(2)). Access is still required to be public.

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. *That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

If approved, the relaxation would give substantial relief to the owners because they would not be required to construct a roadway and plat a right-of-way within and to USS 1555 from North Douglas Highway for the proposed nine lot subdivision. The relaxation would not be consistent with justice to other property owners in that new subdivisions are required to obtain direct and practical access, and 30 feet of frontage on a dedicated right-of-way. One Variance, VAR98-00006, was approved for a two lot subdivision which one of the lots did not have physical access to a right-of-way. A more recent proposed subdivision, VAR2009-00037, a Variance request to a two-lot subdivision where one lot would not have frontage on a right-of-way but be accessed through an easement, was denied a variance to this requirement. The creation of five additional lots would not be consistent with the above mentioned approved variance.

No, the criterion is not met.

- 2. *That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

Granting the variance would result in a substandard roadway for increased traffic resulting from

Board of Adjustment
 File No.: VAR2015 0031
 November 18, 2015
 Page 7 of 10

the proposed subdivision. With the proposed nine lot subdivision, the possible Average Daily Trips (ADT) would be around 291 ADT. Each lot would be large enough for two single-family detached homes with accessory apartments. ADT for a single-family home is 9.52; and for an accessory apartment is 6.65 ADT. This would be far above the allowed ADT for the gravel driveway that exists. A subdivision that would generate 212 to 499 ADT is required to meet the roadway construction standards found in Title 49, 49.35.240, and would require a paved 24 foot roadway with one sidewalk and with a right-of-way width of 60 feet. The development has been restricted, as mentioned previously in the background information, by restrictive covenants to one single-family residence with an accessory apartment per lot; accordingly, the ADT would be approximately 146 ADT, though the driveway would need to be developed to at least 20 feet wide (see CBJ 49.35.240). As mentioned previously, the current driveway has widths varying from 12 feet to 18 feet.

The Alaska Department of Transportation and Public Facilities commented on the requested variance (See Attachment C). The number of proposed units would require the driveway apron, within the right-of-way of North Douglas Highway, to be widened and paved to at least 24 feet, and a DOT driveway permit would be required to be obtained.

No, the criterion is not met.

3. *That the authorization of the Variance will not injure nearby property.*

The requested variance would allow for the re-subdivision of USS 1555 into nine lots. The parcels would allow for single-family development. Staff finds no evidence that the proposed variance would injure nearby properties.

Yes, the criterion is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

The property is zoned Rural Reserve. The Rural Reserve zoning district is described as “lands primarily in public ownership managed for the conservation and development of natural resources and for future community growth”, CBJ 49.25.200. The requested variance would allow for subdivision of the current tracts of land and would not authorize uses not allowed in the Rural Reserve zone.

Yes, the criterion is met.

5. *That compliance with the existing standards would:*

(A) *Unreasonably prevent the owner from using the property for a permissible*

Board of Adjustment
File No.: VAR2015 0031
November 18, 2015
Page 8 of 10

principal use;

The tracts within USS 1555 are currently developed with one or two detached single-family homes per lot. Denial of the proposed variance would not prevent the owners from using their property for a residential permissible principle use.

No, the sub-criterion is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The area adjacent to USS 1555 is currently vacant. Denial of the proposed variance would not prevent the owners from using their property consistent with the Rural Reserve low density residential development in the area.

No, the sub-criterion is not met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

To be able to subdivide, a right-of-way would be required to be platted to and within the subdivision. The current driveway for the subdivision is very close to the anadromous stream, Peterson Creek. The applicants would be required to improve the driveway width and portions of the driveway are within the 25 foot no disturbance buffer and 50 foot no development buffer. To do the improvements of the driveway would require the applicants to meet the stream buffer and therefore, in some areas, move the driveway away from the stream. This may be costly as there is a topographical bench or hill, close to the driveway and stream, which the road would need to be constructed over or around.

The subdivision is accessed through an easement over Goldbelt/Sealaska land. The new subdivision would be required to have frontage on a right-of-way. The right-of-way would be required to extend to North Douglas Highway through Goldbelt/Sealaska land. The applicant has stated that the public access road would not be allowed across the Goldbelt/Sealaska land through the current easement agreement.

Yes, the sub-criterion is met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant

Board of Adjustment
 File No.: VAR2015 0031
 November 18, 2015
 Page 9 of 10

of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

The current four tract USS 1555 subdivision is legally nonconforming, in that the subdivision was allowed with a waiver to the right-of-way frontage requirement in 1977. The granting of the variance would result in a net decrease in overall compliance with Title 49 in that the applicants are proposing five new lots that would not meet the requirement of direct and practical access and 30 feet of frontage on a dedicated right-of-way.

No, the sub-criterion is not met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

The proposed development or subdivision of USS 1555 could help with the housing shortage of the CBJ and provide a rural living opportunity for the community as it would create more fee simple parcels of land for sale and possible development of single-family dwellings. The increased traffic and improvement of the driveway to an acceptable standard could have negative effects on the anadromous stream Peterson Creek.

No, the criterion is not met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds 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.

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

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

No. The proposed development would require the improvement of the driveway, which is within the no disturbance and no development buffers of Peterson Creek, an anadromous stream.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Board of Adjustment
File No.: VAR2015 0031
November 18, 2015
Page 10 of 10

No. Based on the evaluation above, the proposed variance, as requested, does not meet the criteria of Section 49.25.250, Grounds of Variances, specifically criterion 1, 2, and 6 are not met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2015 0031.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 09/16/15
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description

Variance to the requirements of lot frontage on and direct and practical access to a public right of way (49.15.424) to apply for a minor subdivision of US Survey 1555 The landowners are requesting this variance prior to undertaking the substantial expenses of the subdivision application.

PROPERTY LOCATION**Street Address**

14010 through 14040 North Douglas Highway

City/Zip

Juneau/99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

U.S. Survey No. 1555, Tracts 1, 2, 3 and 4. Plat 78-25W, Juneau Recording District, 9-6-1978.

Assessor's Parcel Number(s)

3D1401070010, 3D1401070020, 3D1401070030, and 3D1401070040

LANDOWNER/ LESSEE**Property Owner's Name**

See Addendum attached

Contact Person:**Work Phone:****Mailing Address**

See Addendum attached

Home Phone:**Fax Number:****E-mail Address**

See Addendum attached

Other Contact Phone Number(s):**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

See attached signatures

Landowner/Lessee Signature

Date

X

Landowner/Lessee Signature

Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name

Peterson Creek Landowners Association

Contact Person:

Gretchen Keiser

Work Phone:

na

Mailing Address

PO Box 21883, Juneau, AK 99802

Home Phone:

(907) 723-4003

Fax Number:

na

E-mail Address

gekeiser@gmail.com

Other Contact Phone Number(s):

X

Gretchen Keiser

Applicant's Signature

9/16/2015

Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

✓	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)			
	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)		09/16/15	VAR 2015 0031
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments:				Permit Intake Initials
				JAB

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

I:\FORMS\2010 Applications

Revised November 2009

ATTACHMENT A

VARIANCE APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number	Project Name (15 characters)	Case Number <u>VAR20150031</u>	Date Received <u>09/16/15</u>
----------------	------------------------------	-----------------------------------	----------------------------------

TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)	☐ Variance to Dimensional Standards (VDS)
☐ Variance to Habitat Setbacks (VHB)	☐ Variance to Parking Requirements (VPK)
☐ Variance to Setback Requirements (VSB)	☒ Variance to Design Standards <i>fb</i>

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

A minor subdivision, to be proposed by US Survey 1555 landowners, would require lot frontage and direct and practical access to a public right of way. The landowners request a variance to the frontage and public access requirements before applying to subdivide.

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): the unique characteristic is the 47-year
existence, use, and private maintenance of a private driveway from North Douglas Highway through USS 1096 and USS 1555.
See attached letter for background and explanation justifying this variance request.

UTILITIES AVAILABLE: WATER: ☐ Public ☒ On Site SEWER: ☐ Public ☒ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

The lot frontage and direct and practical access to a public ROW are design requirements for a subdivision, regardless of
landownership.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

The USS 1555 landowners would be unable to proceed with a minor subdivision. Existing and future landowners will experience
difficulties in financing improvements and real estate transactions because of non-traditional, multiple landownership of the existing
large lots. Some owners would be unable to create additional residential lots on undeveloped portions of their existing lots.

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.	<table style="width: 100%;"> <tr> <th colspan="5">VARIANCE FEES</th> </tr> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> <tr> <td>Application Fees</td> <td>\$ <u>400.00</u></td> <td><u>1060</u></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>400.00</u></td> <td><u>1060</u></td> <td><u>7125</u></td> <td><u>09/16/15</u></td> </tr> </table>	VARIANCE FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ <u>400.00</u>	<u>1060</u>			Adjustment	\$ _____				Total Fee	\$ <u>400.00</u>	<u>1060</u>	<u>7125</u>	<u>09/16/15</u>
VARIANCE FEES																										
	Fees	Check No.	Receipt	Date																						
Application Fees	\$ <u>400.00</u>	<u>1060</u>																								
Adjustment	\$ _____																									
Total Fee	\$ <u>400.00</u>	<u>1060</u>	<u>7125</u>	<u>09/16/15</u>																						

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

**Addendum providing Project Landowners and Applicant's names and signatures to
DEVELOPMENT PERMIT APPLICATION**

Project Number:

Project Name:

Peterson Creek Landowners Assn names, addresses, contact information:

Jill Sandleben
14010 North Douglas Hwy.
Juneau, AK 99801

907-723-2352 (h)

jillintheforest@gmail.com

David and Jeannine Bonk
1519 Marine Drive
Bellingham, WA 98225

360-305-7374 (Jeannine's cell)

(360) 305-2355 (Dave's cell)

pelmenidave@yahoo.com (Dave)

mrs.pelmeni@yahoo.com (Jeannine)

Maureen O'Leary and Armenio Campos
83 Greenleaf Street
Quincy, MA 02169

907-209-6607 (Armenio's cell)

Gretchen Keiser and Bob Wild
P.O. Box 021883
Juneau, AK 99802

907-723-4003 (G's cell)

907-209-6703 (B's cell)

gekeiser@gmail.com

robertgwild@gmail.com

Ann Turner Olson and Marlyn Olson
P.O. Box 24081
Douglas, AK 99824

907-723-3048 (Marlyn)

907-723-5219 (A's cell)

ann_turnerolson@yahoo.com

marlynolson@yahoo.com

Ray and Connie Staska
P.O. Box 486
Haines, AK 99827

907-766-2610 (h)

907-766-2711 (C's w)

907-723-9866 (R's cell)

staska@aptalaska.net

Connie Keithahn
14040 North Douglas Hwy.
Juneau, AK 99801

907-321-2661 (C's cell)

conniekeithahn@gmail.c

Landowner Consent

We are the owner(s) of the property subject to this application and 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>Angela Jill Sandleben</u>	<u>9-13-15</u> Date
X	<u>Maureen O'Leary</u>	<u> </u> Date
X	<u>Armenio Campos</u>	<u> </u> Date
X	<u>David Bonk</u>	<u> </u> Date
X	<u>Jeannine Bonk</u>	<u> </u> Date
X	<u>Robert Wild</u>	<u>9/13/2015</u> Date
X	<u>Gretchen Keiser</u>	<u>9/16/2015</u> Date
X	<u>Marlyn Olson</u>	<u>9/14/2015</u> Date
X	<u>Ann Turner Olson</u>	<u>9/14/2015</u> Date
X	<u>Connie Keithahn</u>	<u>9/15/15</u> Date
X	<u>Connie S. Staska</u>	<u> </u> Date
X	<u>Raymond F. Staska</u>	<u> </u> Date

Landowner Consent

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

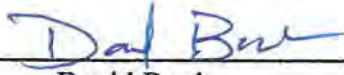
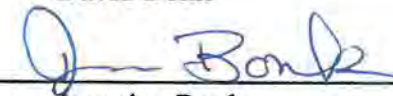
- A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
- B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X	Angela Jill Sandleben <i>O' Campos</i>	Date
X	<i>Maureen O'Leary (no)</i> Maureen O'Leary	9-1-15 Date
X	<i>Armenio Campos</i> Armenio Campos	9-1-15 Date
X	David Bonk	Date
X	Jeannine Bonk	Date
X	Robert Wild	Date
X	Gretchen Keiser	Date
X	Marlyn Olson	Date
X	Ann Turner Olson	Date
X	Connie Keithahn	Date
X	Connie S. Staska	Date
X	Raymond F. Staska	Date

Landowner Consent

We are the owner(s) of the property subject to this application and 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	Angela Jill Sandleben	Date
X	Maureen O'Leary	Date
X	Armenio Campos	Date
X	 David Bonk	8.22.15 Date
X	 Jeannine Bonk	8.22.15 Date
X	Robert Wild	Date
X	Gretchen Keiser	Date
X	Marlyn Olson	Date
X	Ann Turner Olson	Date
X	Connie Keithahn	Date
X	Connie S. Staska	Date
X		

Landowner Consent

We are the owner(s) of the property subject to this application and 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	Angela Jill Sandleben	Date
X	Maureen O'Leary	Date
X	Armenio Campos	Date
X	David Bonk	Date
X	Jeannine Bonk	Date
X	Robert Wild	Date
X	Gretchen Keiser	Date
X	Marlyn Olson	Date
X	Anri Turner Olson	Date
X	Connie Keithahn	Date
X	<i>Connie S. Staska</i> Connie S. Staska	<i>9-8-2015</i> Date
X	<i>Raymond F. Staska</i> Raymond F. Staska	<i>9-3-2015</i> Date

September 16, 2015

CBJ Board of Adjustment
Community Dev. Dept. Staff

Subject: Request for Variance to the Requirements for Lot Frontage on and Direct and Practical Access to a Public Right of Way

Dear Members and Staff

This letter provides background and an explanation for a variance request by the landowners of U.S. Survey 1555 (near Outer Point, Douglas Is.) who will propose a minor subdivision to create nine lots out of the existing four lots (Tracts 1- 4) in USS 1555 (Attachment 1). I am writing on behalf of my fellow landowners.

As an initial step preceding a minor subdivision application, the USS 1555 landowners request a variance to the requirements that all lots have at least 30 feet of frontage on and have direct and practical access to a dedicated right of way. These requirements are found at CBJ 49.15.424(b) in the recently adopted CBJ Ordinance 2015-03, which replaces the former requirement at CBJ 49.15.460 (5) and 49.40.120.

The lots in USS 1555 do not front on a dedicated right of way but are accessible to the North Douglas Highway via a private driveway of about 0.6 miles. See general area map (Attachment 2). We believe that our privately-maintained driveway in private easements, which are owned in common by the USS 1555 landowners, provides direct and practical access to the North Douglas Highway from each lot in USS 1555.

It is prudent to resolve this access issue first before incurring substantial expenses associated with a formal subdivision application.

Background

USS 1555 and the last few hundred feet of North Douglas Highway and a driveway connecting the Survey to the highway were all at one time part of a 140-acre homestead identified as Homestead Entry No. 75, later renamed USS 1096. The homesteader, Fred Peterson, applied in 1913 for patent on 34.56 acres of the 140 acres. The USS 1555 was surveyed out of USS 1096 and platted in 1925. The surveyor noted that no trails or roads traversed these surveys and that Juneau, the nearest post office and source of supplies, was

located about 15 miles southeast by water travel. In 1930 Mr. Peterson was granted title and patent to USS 1555, and USS 1096 remained in the public domain.

In 1946, Mr. Peterson sold USS 1555 to George Ledbetter, who in turn sold it to Stock and Grove, Inc. in 1965. The North Douglas road was extended to its present terminus at that time. **The U.S. Forest Service in 1968 granted an easement to Stock and Grove which constructed a private roadway in a 40 foot wide corridor through USS 1096 to connect USS 1555 to the North Douglas Highway.** ¹ At the same time, the company also built the driveway through USS 1555 to the beachfront opposite Shaman Island at Fritz Cove.

Stock and Grove, Inc. sold USS 1555 in 1977 to Mr. Jerry Kressin and others, and the new owners applied to CBJ to subdivide USS 1555. The landowners requested a platting waiver of the public access requirement on the basis that they had an easement from the USFS in USS 1096 and that guaranteed access for the USS 1555 landowners would be written into restrictive covenants. The 1977 CBJ Platting Board considered several issues: property owners should have access to their individual lots at all times, the lots would not front on a public access but would be accessed by a driveway in a USFS easement, the nature of that USFS easement, the 40- foot corridor through USS 1096 could not be expanded to 60 feet to meet CBJ standards, the possibility of dedicating a right-of-way but not building a road at the time and the potential that in the future CBJ would have to construct and maintain a dedicated road, the lack of flexibility in the subdivision code to address rural subdivisions like USS 1555, and that the landowners favored private (not public) access to the Survey Attachment 3 provides minutes from Planning Commission meetings on 9/26/1977 and 11/14/1977.

The Platting Board believed if there was to be any future subdivision of USS 1555 the matter would have to come back before the body. They approved the waiver on a 7 to 1 vote in late 1977, provided that restrictive covenants were placed on the property. The *Declaration and Establishment of Restrictive Covenants (sic) for U.S. Survey 1555* established the Peterson Creek Landowners Association ("PCLA") in 1978 and provided for access and maintenance of the common driveway through USS 1555 to each lot (Attachment 4). The restrictive covenants also provide landowners a way to deal with third parties. With the restrictive covenants, the 34-acre Survey was then subdivided into the four 8 to 9-acre tracts that still exist today. Conditions of CBJ code governing waivers at the time limited the subdivision to no more than four parcels, each being at least five acres in size. The PCLA has operated for 37 years and is governed by bylaws and an elected Board of Directors, and is registered as a Domestic Nonprofit Corporation with the State of Alaska.

¹ The USFS chose to administer the easement under a special use permit that facilitated annual review to ensure that the roadway was being maintained.

In 1978, native corporations selected a portion of USS 1096 that included the driveway to USS 1555. Goldbelt, Inc. opposed granting an easement to USS 1555 landowners. Despite USS 1555 landowners' request, the BLM did not support the easement when the conveyance to Goldbelt took place in the early 1980s because the agency said there was no existing use by the public; rather it was being used as private access to private property. Subsequently, the PCLA entered into a rental agreement with Goldbelt for continued use of the driveway.

In 1991 a supplemental plat for USS 1096 was recorded that showed its subdivision into Lots 1, 2 and 3, and the segregation of USS 1555. Goldbelt and Sealaska have title to the surface and subsurface of Lot 3, a 75-acre parcel of land on which North Douglas Highway ends and the private driveway to USS 1555 begins. The State of Alaska owns Lots 1 and 2. Thus, USS 1555 abuts native land, State land, CBJ land (north of a portion of Tract 4, USS 1555), and beachfront at Fritz Cove near Shaman Island (Attachment 5).

The USS 1555 landowners sought to recover a permanent easement from USS 1555 to the North Douglas Highway (as originally granted by the USFS through USS 1096 in 1968). In 2003 the PCLA landowners purchased from the native corporations permanent easement rights to a 40-foot wide corridor through USS 1096 along the existing driveway. This easement can be extinguished only if a single party becomes the owner of the dominant and servient estates, the PCLA releases the easement in favor of Goldbelt and Sealaska, or the easement is abandoned by the PCLA. Since 2003, the PCLA pays for an insurance policy to hold the native corporations harmless for any claims associated with use of the easement. To date, no claims have been made (Attachment 6).

Thus, the extraordinary situation affecting USS 1555 is the longstanding existence and successful use of a private access to the property more than 1/2 mile from a public ROW. The private driveway has provided access from the North Douglas Highway to and through USS 1555 since 1968. Private landowners have diligently maintained the driveway through USS 1096 and USS 1555 at their own expense for nearly 50 years. The maintenance, annual charge assessment, and common ownership have been ably managed by the Peterson Creek Landowners Assn since 1978 - nearly 40 years. The private driveway provides direct and practical access from North Douglas Highway to each lot for residents' vehicles, their guests, and service trucks (for deliveries of heating fuel, propane, construction materials, furniture, concrete & gravel, etc.). The neighborhood has functioned as a self-reliant community, as the CBJ has not provided public services (water, sewer, road, or school bus transportation) to USS 1555. There are no public utilities in the easements accessing USS 1555. The Survey also lies outside the borough's fire protection service area.

Practical Difficulties

The practical difficulties that arise in this instance would be the unnecessary and unwarranted construction of a public ROW from North Douglas Highway to access lots within USS 1555. A direct and practical access, albeit private, already exists to the lots in this Survey. It is not economically reasonable, environmentally advantageous, or topographically warranted to require a new road.

The private easement through USS 1096 does not allow for a public access road. Thus, it is pertinent to ask what it would take to build a public access road from the North Douglas Highway to and through USS 1555. If one examines the terrain in USS 1096 and nearby land to the east, there is no significant topographic, environmental, or zoning difference between the location of the existing driveway in Lot 3, USS 1096 and an alternative route along a section line to the east that borders State land (USS 1096, Lot 2), CBJ land and Goldbelt/Sealaska land (USS 1096, Lot 3) (Attachment 5). Goldbelt has posted its property in this area. A driveway built along this alternate route would leave the North Douglas Highway at about where the "End of Road 1000 feet" sign is presently located. The route would go west through forested wetlands and meet USS 1555 at about the eastern common corner of Tracts 1 and 2. The total distance could be about 1500 feet. While the State land includes an easement along its portion of the section line, it would be necessary to purchase a public easement from CBJ or Goldbelt along their border with the section line. This alternative access was analyzed and deemed unrealistic by the parties when PCLA negotiated purchase of the easement through USS 1096 from Goldbelt and Sealaska in 2003.²

New road would also have to be built within USS 1555 to access each lot. Given the current layout of Tracts 1-4, a new road would likely consume a lot of land within the Survey. It may require additional construction of personal driveways. The present location of about 0.25 mile of the existing driveway through USS 1555 is adjacent to Peterson Creek. This portion of the driveway would likely have to be abandoned as it would be unacceptable as a public access route under CBJ code that requires a 50-foot setback from an anadromous fish stream. Federal wetlands permitting may also be difficult because of the potential surface disturbance and likely environmental degradation in the Peterson Creek drainage that could be *avoided*.

² This route was also examined earlier in 1977 when subdivision occurred and by CBJ in correspondence with USS 1555 landowners in 1987.

As a practical matter, building a new public access is unjustified when a perfectly adequate driveway is already in place. The existing driveway works well! The USS 1555 landowners have a functional neighborhood association with a longstanding “track record” of driveway maintenance.

Hardship

If the variance is not granted, the alternative of a public access built to CBJ Street standards will not happen because it is neither practicable nor desirable. Without the variance, several hardships would occur. A minor subdivision will not occur, and existing and future landowners will experience difficulties in financing improvements and real estate transactions because of non-traditional, multiple landownerships of the existing large lots. Also, the owners of Tracts 1 and 4 would not be able to create additional residential lots on undeveloped and buildable portions of their existing parcels. This reduces market valuations for landowners and also depresses property assessments that affect the borough’s tax revenues. These hardships run counter to an underlying purpose of Title 49 which is to recognize the economic value of land and encourage its proper and beneficial use (CBJ 49.05.100(6)).

Variance Approval Criteria

The variance request meets the following criteria specified in the land use code:

- 1.) The relaxation applied for or a lesser relaxation would give substantial relief to property owners involved and be more consistent with justice to other property owners.**

Yes. Granting the variance would provide substantial relief as it would allow the USS 1555 landowners to proceed with a minor subdivision application that includes continued use of the private access driveway. Subdividing the existing four large tracts would provide substantial relief to the landowners in the nature of simplified ownership of home sites. Owners would be able to create and sell additional buildable lots from their large tracts. We believe we can meet all other requirements for a minor subdivision. Absent the variance, the USS 1555 landowners would be unable to meet the dedicated right of way requirement and further subdivision would not occur.

Also, retaining the private access under a new minor subdivision would be more consistent with the limited, non-public access purchased in the private easement from Goldbelt and

Sealaska across their adjacent property in USS 1096. The private nature of the easement helps minimize trespass issues on their land in this area.

2.) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved.

Yes. The relief requested would allow the continuation of a private access to and through USS 1555 as a feature of a proposed minor subdivision. The private maintenance of the existing driveway by a fully-functional landowners association since 1978 clearly has met the conditions of the original platting waiver in 1977. Significantly, the well-established PCLA, commonly held driveway and annual maintenance charge to USS 1555 landowners, and liability insurance policy satisfy the intent of the recently adopted subdivision code, particularly the directions embodied in CBJ 49.15.430 – 435 for privately-maintained driveways.

Granting the variance request does not raise public safety issues because the public does not now use nor would be able in the future to use the private access across USS 1096 and through USS 1555. The PCLA's experience has been that the general public respects the "private property" posting and gating of the existing driveway. The community's welfare is preserved because a private access driveway to a rural residential subdivision in USS 1555 does not interfere with the public's current and future use of nearby trails and adjacent public lands for recreation. With respect to CBJ's efficient and economical maintenance of public roads, the community's welfare would be well served by granting the variance and *not* requiring the dedication of an isolated public ROW near Outer Point when the nearest CBJ-maintained streets are about four miles away at Bay View Subdivision.

3.) The authorization of the variance will not injure nearby property.

Yes. Authorizing the variance would enable USS 1555 landowners to maintain the private access as they proceed with a minor subdivision that breaks large 8 to 9-acre parcels into still relatively large 3 to 4-acre lots. The private easement across a portion of USS 1096, owned by Goldbelt and Sealaska, would experience a relatively modest increase in Average Daily Traffic when the proposed additional lots in USS 1555 were developed.³ However, keeping this access private would maintain the status quo of no public use of the driveway. The variance would have no effect on this easement as it does not prevent use of this driveway by the Goldbelt Inc. or Sealaska to access their property adjacent to USS 1555.

³ Under CBJ calculations, nine lots with single-family homes would generate 86 ADT. If all homes had accessory apartments, and additional 60 ADT would lead to a total of 146 ADT for the USS 1555 subdivision.

Maintaining private access as a result of granting the variance would not injure adjacent State of Alaska (Lots 1 and 2, USS 1096) and nearby CBJ property. These public lands are not accessible from USS 1555 or its driveway. The CBJ property has waterfront access, as does the State remnant Lot 1, USS 1096. State-owned Lot 2 is accessible along the section line to the North Douglas Hwy. Maintaining private access on the subject driveway would continue to “protect” these adjacent lands from potential trespass and policing issues that might arise if it were made a public ROW.

Further, USS 1555 extends to the waterfront and as such does not “land lock” any adjacent property. The access driveway to lots within USS 1555 is completely internal to the survey and does not abut any adjacent property whose future development would be negatively impacted by granting this variance.

4.) The variance does not authorize uses not allowed in the district involved.

Yes. The proposed land use is residential which is the same as the existing land use approved under Plat 78-25W and allowed in the Rural Reserve zoning district. Also, the Restrictive Covenants governing USS 1555 restrict uses to residential and recreational purposes.

5.) Compliance with the existing standards would:

(A) Unreasonably prevent the owners from using the property for a permissible principal use.

The owners could use the property for permissible purposes but would not be able to attain financing for improvements or real estate transactions. We believe it is unreasonable to hinder the full potential build-out and valuation of USS 1555.

(B) Unreasonably prevent the owners from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property.

The owners can continue to use the property in a rural residential manner, which is consistent with neighboring undeveloped Goldbelt property and public lands used for recreation.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standard unreasonably expensive.

Yes. The unique physical feature of USS 1555 is Peterson Creek and particularly its location in relation to the existing driveway. Peterson Creek is a catalogued anadromous fish stream with populations of Coho, chum, and pink salmon, Dolly Varden and cutthroat trout. To comply with CBJ's public ROW requirement and the 50 foot setback requirement from an anadromous fish stream would essentially mean construction of a new road and driveways through much of USS 1555. This would be a substantial financial burden to USS 1555 landowners. The amount of disturbance could also have detrimental environmental effects on Peterson Creek itself from road construction activity, runoff, etc.

(D) Because of pre-existing nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in the overall compliance with the land use code.

Yes. The USS 1555 landowners were granted a waiver of the public access requirement in 1977 leading to the original subdivision into four tracts. That nonconforming condition of a private access has not changed since then. Granting a variance today to this same public access requirement for this same private driveway would not change the Survey's overall compliance with the land use code.

6.) A grant of the variance would result in more benefits than detriments to the neighborhood.

Yes. The neighborhood would enjoy benefits from the granting of this variance as it would remove a current obstacle to further subdivision of USS 1555. Uncoupling the multiple landownerships of the existing lots would ease individuals' ability to finance property improvements to the overall benefit of the neighborhood. A few additional lots would increase neighborhood association membership to share the costs and effort for driveway maintenance. The modest population increase generated by creating new buildable lots is not viewed as a detriment to the neighborhood or nearby property.

In conclusion, just as occurred in 1977 under the then CBJ land use code, a variance to the public access requirement is needed in order to further subdivide USS 1555 today,

Variance Application
U. S. Survey 1555

Page 9

regardless of who owns these properties. The history of this survey from its days as a homestead entry and its relative isolation in the borough outside urban services has fostered a neighborhood that values this quiet, rural pocket and has demonstrated its ability to maintain its privacy and private access. A variance that allows us to proceed with a minor subdivision helps to ensure the continued vitality of this rural neighborhood by simplifying landownership and associated financial transactions and bringing new landowners onto currently underutilized and buildable land.

Beyond the immediate landownership interests, denying the variance would result in a broader hardship best described as a missed opportunity to facilitate a diversity of housing choices in Juneau. The rural lifestyle in unusual corners of the borough such as USS 1555 appeals to some, particularly younger people who want to carve out a modern-day home site off the beaten path. The current residents have owned their USS 1555 property for 20 or more years, and jumped at the chance to own and build here. Granting the variance would lead to the splitting of the large lots in USS 1555 into more financially manageable parcels that simplifies and facilitates the entry of a few more adventurous people into this exceptional neighborhood without changing its underlying self-reliant and private character.

Thank you for your time and attention to this variance request.

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Keiser". The signature is fluid and cursive, with a large initial "G" and a stylized "K".

Gretchen Keiser

P.O. Box 21883

Juneau, Alaska 99802

Physical Address: 14030 North Douglas Highway

cc: PCLA members

Attachments:

1. Sketch Plat for USS 1555 and Site Plan showing existing and subdivisions and the approximate location of the private driveway and Peterson Creek. Plat 78-25W, Juneau Recording District, September 6, 1978.

2. Local Area Map. Exhibit A of *Agreement and Deed for Perpetual Easement*. Juneau Recording District, 2003-009640-0, September 10, 2003.
3. Minutes from Planning and Zoning Commission Meetings on 9/26/1977 and 11/14/1977. Pertinent portions only.
4. *Declaration and Establishment of Restrictive Covenants for U.S. Survey 1555*, Juneau Recording District; Book 158, pages 630-641; January 18, 1978.
5. *U.S. Survey No. 1096, Alaska, Supplemental Plat*. Juneau Recording District, December 17, 1991. And patents to lots within USS 1096 to Sealaska Corporation, Goldbelt, Inc., and State of Alaska.
6. *Agreement and Deed for Perpetual Easement* (between Goldbelt and PCLA, pertinent portion), Juneau Recording District, 2003-009640-0, September 10, 2003.

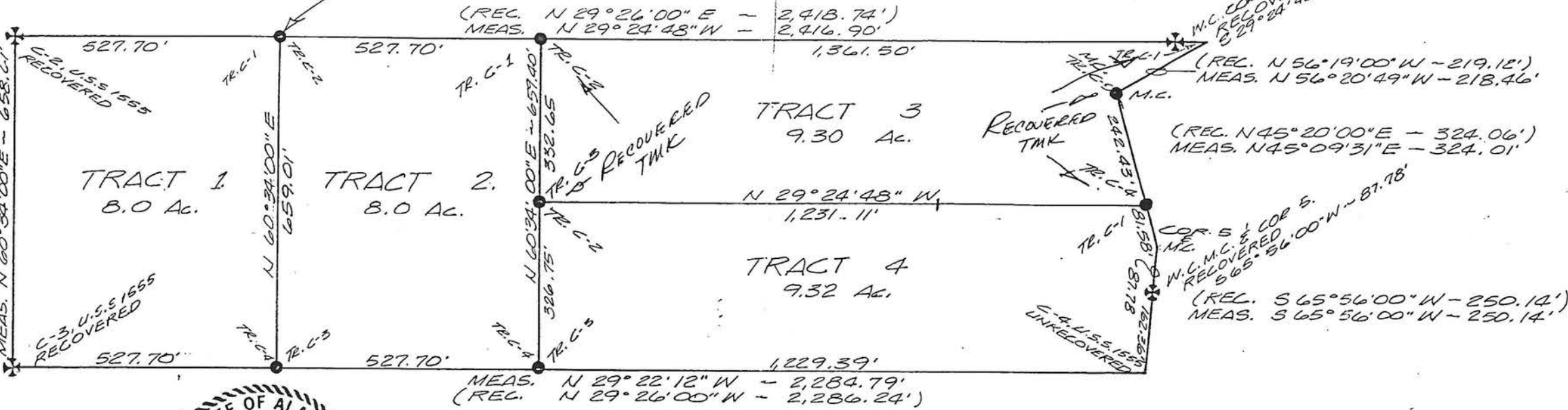
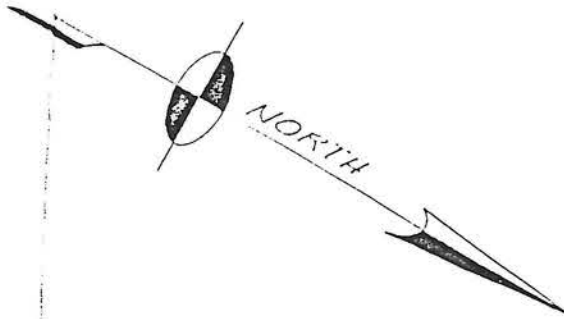
BASIS - OF - BEARING

(REC. N 60°34'00"E - 660.0')
MEAS. N 60°34'00"E - 658.6'

NOTE
TYPICAL SECONDARY MON.
SET THIS SURVEY.
(5/8" REBAR 3 FEET LONG
WITH YELLOW SURV-CAP
ON TOP.)

Packet Page 45 of 95

Attachment 1



SCALE: 1" = 200'

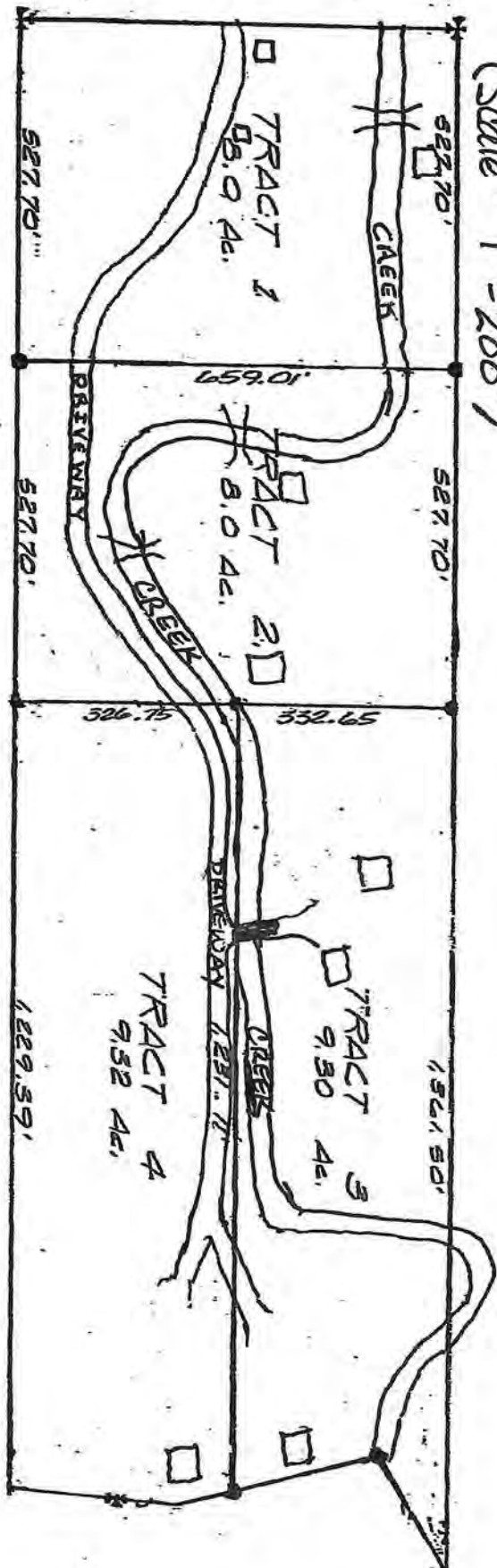
NOTE:
WHEN TWO BEARINGS AND/OR DISTANCES
ARE SHOWN FOR A LINE THE BEARING
AND/OR DISTANCE IN PARENTHESES
ARE AS PREVIOUSLY RECORDED
AND ARE IN CONFLICT WITH THIS
SURVEY. THE OPEN BEARING
AND/OR DISTANCE ARE AS
MEASURED THIS SURVEY.

SKETCH PLAT
FOR
A SUBDIVISION OF U.S.S. 1555
LOCATED NEAR
OUTER POINT ON DOUGLAS
ISLAND
ALASKA

PREPARED BY:
TRYCK, NYMAN, & HAYES
JUNEAU, ALASKA
DRAWN BY: TOM KIRCHNER
CK. BY: RILEY HERON
DATE: SEPT 5, 1978

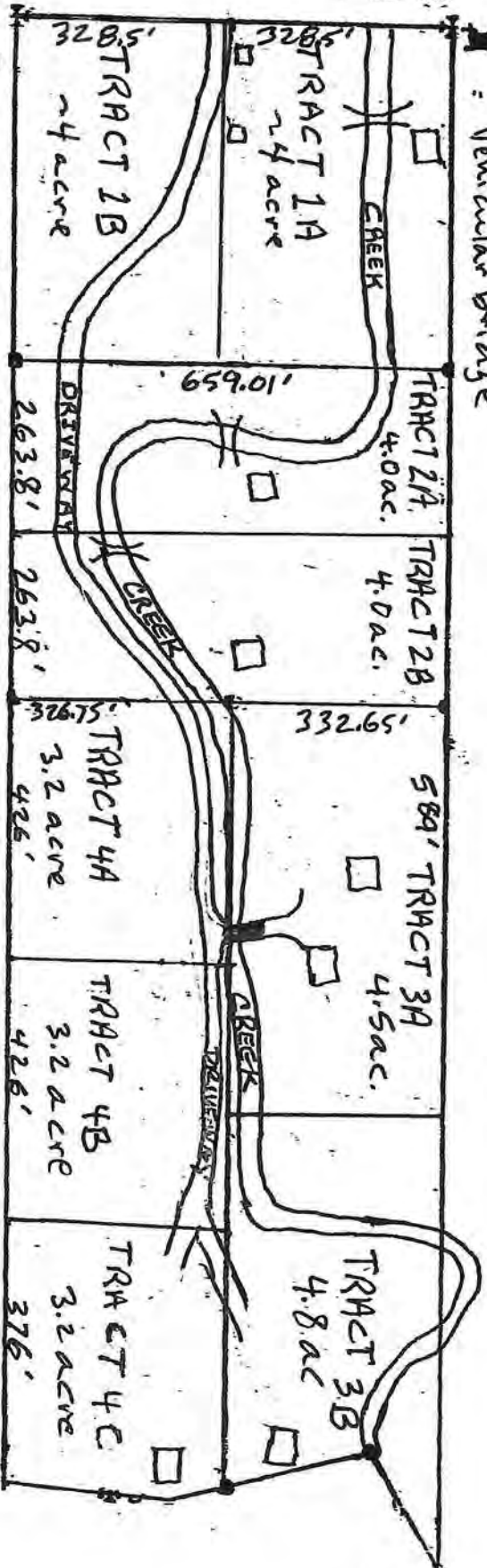
ATTACHMENT B

ATTACHMENT 1: Site Plan Current subdivision of U.S. 1555: (Scale 1"=200')



Proposed Subdivision of U.S. 1555:

- = house, cabin, carport, other building
- = foot bridge
- = vehicular bridge



Source: Sketch Plat, A Subdivision of U.S. Survey 1555, Plat 78-25W

ATTACHMENT 2

Packet Page 47 of 95

NOTES:

SEE SHEET 5 FOR SYMBOLS

TONGASS

NATIO

TOTEM CK., INC.

GOLF COURSE
DEVELOPMENT ALIGNMENT
1998/99 STUDY

ORIGINAL DOT/PF - 1987
QUARRY SITE LOCATION

FRITZ COVE
(19)

Lot 1
2.33 Ac

Lot 2
26.10 Ac

TR 4
U. S.

TR 3

TR 2

TR 1

1096
Lot 3

75.38 Ac

Peterson Creek

DOT ALIGNMENT
1992 SURVEY

OUTER POINT

(30)

STEPHEN'S PASSAGE

END OF "PRESENT"
HIGHWAY

- Goldbelt - surface
- Sealaska - subsurface
- Lot 3 USS 1096
- Private Driveway (approx)
- State Land, Lots 1+2, USS 1096
- CBJ Land
- USS 1555

SOURCE: Addendum 3
Outer Pt Drive Easement
Acquisition Report, 2001

STE

SCALE

0' 400'

Attachment 3

CTY AND BOROUGH OF JUNEAU PLANNING AND ZONING COMMISSION Regular Meeting September 26, 1977

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Kay Diebels at 7:30 P.M. on Monday, September 26, 1977 in the Assembly Chambers of the Municipal Building with the following roll noted:

Present: Diebels, Menzies, Minch, Triplette, Gorsuch, Quinn and Grant

Absent: Beadle and Shelley. Mr. Menzies moved to excuse Mr. Beadle and Mr. Shelley. Seconded by Mr. Triplette.
There was no objection in excusing both Commissioners.

Staff Present: Steve Gilbertson and Tim Maguire

Approval of Minutes

September 12, 1977 - Page 4; second paragraph "highest to the Commission" was deleted, so the whole sentence reads; "This was discussed and it was also pointed out that if the zone change is approved, the applicant would not be committed to any plan but could still develop the property to the utmost density allowed by that zoning".

Mr. Menzies moved for approval of the minutes as corrected. Seconded by Mrs. Gorsuch. There was no objection in approving the minutes as corrected.

September 14, 1977 Special Meeting

Page 4 - The conclusion was included in the last paragraph and the wording was slightly changed to read;

Mr. Menzies expressed a concern that such a classification might stop efforts for a transportation corridor in that area. Mr. Hartenberger noted this as one of the reasons the staff did not analyze those areas. Another reason is that it is outside the political jurisdiction of the City and Borough. It is also under study now with South East Transportation Study. The Commission might want to recommend that the Assembly solicit comments from the Haines Borough and then encourage the Assembly to make a recommendation after those comments have been received. It was requested by Mr. Menzies that the staff contact the Haines Borough immediately to see if they have done anything on those areas, and relate the comments to both the Commission and the Assembly. Mr. Hartenberger stated that he would convey the Commission's concerns over the Endicott River and St. James Bay areas. The Commission would like a wilderness designation for these two (2) areas as long as future transportation corridor is provided for. Mr. Triplette noted he would not want to do anything that might jeopardize a transportation corridor in that area.

Mrs. Gorsuch moved for approval of the minutes as corrected. Seconded by Mr. Menzies. There was no objection in accepting the minutes as corrected.

Staff's recommendation was approval. Both lots adequately meet platting and zoning standards.

Mr. Menzies asked if the dome house met all setbacks? Mr. Maguire answered Yes.

Being that there was no public participation, the public hearing was closed.

Mr. Menzies moved for approval. Seconded by Mr. Grant.

There was no objection, the motion passed unanimously.

Mr. Menzies left his chair at this time.

Waiver, U.S.S. 1555, Outer Point, Douglas Island

The staff report was given by Tim Maguire. The owner of U.S.S. 1555 is requesting a platting waiver to subdivide this 34.66 acre parcel into 4 lots; two lots containing 8 acres and 2 lots containing 9.3 acres. The location of this property is 13.5 mile North Douglas Highway. It is surrounded by U.S. Forest Service land on three sides and by water on the fourth. The applicant is requesting that a variance be granted to the ordinance requirement that each lot within a subdivision abut a dedicated roadway. The reasons given are the relative isolation of the parcel and the unlikelihood that the road will be maintained by the City and Borough. Two alternatives for access have been proposed. The first would be a 60 foot access easement extending the length of the southwesterly property line. All lots would be provided access to the water through this easement. The second access proposal would continue the Forest Service easement, which extends from the highway to the property boundary, through the length of U.S.S. 1555. The zone is R-40. The Recommendation is denial.

The staff would recommend denial of the platting waiver because the newly-created lots would not be provided with adequate access according to the subdivision ordinance. Providing proper access is a key to sound community development. It not only assures the property owner of access to this property, but also guarantees access for fire, police and other service vehicles. Since the existing, maintained roadway already runs in fairly close proximity to the above-mentioned parcel, the argument of isolation does not pertain. If a roadway were constructed to this parcel, it would be maintained.

Mr. Monti Brice, Attorney, made the presentation for the applicants, Jerry E. Kressin and Lorily Brice Kressin. He began by stating that the applicants are in disagreement with the rationale behind the recommendations for the waiver, being that adequate access is not provided. He felt that this was misleading, that there is a road which extends from the North Douglas Highway to the property. They propose to form a land owners association, comprising of the owners of the four (4) tracts, to run with the land, where all the owners of the property would share the right to the access. The land owners association would be granted a permanent easement (appurtenant) to the land by deed. The staff's concern was that an easement cannot be permanent, that it can be extinguished, but under these conditions, that it is unlikely such an easement would be extinguished.

Mr. Brice then listed the possible ways this type of easement could be extinguished.

The first situation is where the dominant and serviant tenants come under the same ownership of the same parcel. An easement would not be required because the owner would only travel over his property. Another possible applicable situation where it could be extinguished is where the dominant tenant executes either a deed or will releasing the easement. In extinguishing it by deed or will would require all of the tenants to agree. Another method would be when a dominant tenant has abandoned the easement. This would be unlikely because these are proposed homesites and this would require the agreement of all parties. Another method would be when the tenant has used his land continuously and uninterruptedly for the statutory period of prescription, meaning it would be an adverse possession, but it would be improbable because if a tenant were to block off the easement, they would have to do so for a period of seven years, without permission of other tenants. Tracts 2,3, and 4 would require access and it's improbable that all three of them would abandon that access for a period of seven years.

In summary, Mr. Brice felt that these are the only means that can extinguish this type of easement. Although it is unlikely that it will happen. A special use permit was referred which guarantees access across the Forest Service land. He stated it was a permanent conditional easement. It is transferable to any property owner by issuing a new permit. Conditions basically consist of one promise that is not to remove Forest Service timber except for maintenance, and pay fee.

If an easement was not extinguished, there is a principle of law called "easement by necessity", which occurs on a landlocked tract.

Mr. Brice felt that staff was interpreting the ordinance in terms of adequate access meaning no possibility that access can be denied. He felt that this was not necessary. He also gave a brief background on the plans submitted by Mr. and Mrs. Kressin. If the waiver is denied, the alternatives would be the current owners would have to sell it to somebody else.

Mr. Triplette asked why the owner did not want a road in the subject area? Mr. Brice replied because they want it as a private road and not as a public road to be shared by property owners.

Richard Erickson, Realtor for Alaska Coastal Real Estate, answered Mr. Triplette's question about the roadway, that the permit specifies a 40 ft. roadway and it would be impossible to go by Borough's regulatory right-of-way. Mr. Triplette again asked if it would be acceptable if the roadway was built up to Borough's standard? Mr. Maguire answered, that there was still the question of how to make this a more permanent access to the property, but the main concern was there are no plans for permanent access to the new lots. The City and Borough attorney felt that possible something could be worked out with Forest Service for access. Mr. Minch asked if it would be possible to get a wider easement from the Forest Service? Mr. Erickson said it would be impossible. Mr. Erickson asked the Commission, if the road was brought up to standard, would the City and Borough maintain the road.

Mr. Maguire stated that he has talked to Mr. Art Morrison of the Public Works Department. If the road were brought up to community standard, they would be required to maintain it.

Mrs. Gorsuch asked if the applicants were concerned with fire and other safety problems. Mr. Erickson stated they were not.

Mr. Lance Younquist commented saying that the problem is the area in a gray area, and there are not clear cut answers. The economics don't allow for building of the road to these lots. Mrs. Diebels suggested that possibly the road could be dedicated but not built at this time.

Being that there was no other public participation, the public hearing was closed.

Mr. Minch moved to continue this item until the applicants get together with the staff for a better solution. Mrs. Gorsuch seconded the motion. Mrs. Diebels noted that she was also in favor of the motion to continue this.

There was no objection in continuing this item.
Mr. Menzies resumed his chair at this time.

Waiver, portion of U.S.M.S. 341-A and 341-B, Lawson Creek

Mr. Maguire added an item that was not included on the agenda at this time on Waiver, portion of U.S.M.S. 341-A and 341-B, Lawson Creek. This item was discussed during the September 12, 1977 Planning Commission Meeting. The reason this item was continued was that there was a question concerning of how off-street parking would be provided to the lots. This was clarified. The Commission had no objection.

Mr. Minch moved for approval of the waiver as presented. Seconded by Mr. Grant. There was no objection and the motion passed unanimously.

Planning Director's Report

Auke Bay Campus Master Plan - Mr. Gilbertson stated that Mr. Bolton is preparing an analysis of the Auke Bay Campus Master Plan. This plan will be reviewed at the next meeting.

Southeast Conference - Mr. Gilbertson mentioned that the City and Borough will be attending this conference on October 14, 1977 and he wishes to know if there is any particular issues that the Commission may wish to develop policy statements on. The Commission mentioned two important items that should be included; Fisheries Rehabilitation and Coastal Zone Management. They are also interested in all land use management proposals.

New Business

Review of Assembly request to determine advisability of establishing single family zoning districts which exclude duplexes.

Mr. Gilbertson noted that at the September 15, 1977 Assembly meeting, the Assembly mentioned the need to review the zoning requirements to determine the advisability of having a single-family residential designation. This is being brought to the Planning Commission to determine if they are interested in reviewing the matter. Mr. Menzies suggested for the staff to present the pros and cons as well as financial considerations to be discussed during the next meeting. The Commission agreed to continue discussion on this matter.

City and Borough of Juneau
Planning and Zoning Commission
Regular Meeting
November 14, 1977

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Kay Diebels at 7:30 P.M. on Monday, November 14, 1977 in the Assembly Chambers of the Municipal Building with the following roll noted:

Present: Diebels, Beadle, Menzies, Minch, Triplette, Quinn, Gorsuch and Shelley.

Absent: Mr. Grant (on vacation)

Mr. Shelley moved to excuse Mr. Grant. Seconded by Mr. Beadle. There were no objections.

Staff Present: Art Hartenberger, Steve Gilbertson and Tim Maguire

APPROVAL OF MINUTES

The minutes of October 25, 1977 were reviewed and the following corrections were made.

Page 4 - Last second paragraph, the word "forest" was changed to read "forced relocation", so the sentence reads; Mr. Grant moved for approval based on geographical hazard and due to forced relocation. The motion was seconded by Mr. Shelley.

Page 5 - The paragraph before Final Plat, Wildmeadow Subdivision, the word "or" was inserted in the sentence. So it reads; There was no objection to the amendment or to the motion as amended and the final plat was approved with one (1) abstention.

Mr. Menzies moved for approval of the minutes as corrected. Seconded by Mr. Shelley.

There was no objection to approving the minutes as corrected.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None

UNFINISHED BUSINESS

Public Hearing on Conditional Use Application to establish borrow pit on a portion of U.S.S. 1796 adjacent to McGinnis Subdivision.

Applicant: Pat Barrett

The staff report was given by Art Hartenberger. Maps were also made available showing the location of the borrow pit. A letter was received from Mr. David S. Miller of Tryck, Nyman and Hayes. A memorandum from Terry Brenner with City and Borough Engineering Division was included in the staff report.

The staff recommends the Planning Commission's approval of the name Parkwood for this portion of Glacierwood Drive and that this recommendation be forwarded to the Assembly for their action.

Questions were asked by the Commission on why this was necessary. The staff could not answer some of the questions and suggested this matter be continued to the next meeting in order to better respond.

Mr. Shelley moved to continue action on this item. Seconded by Mr. Beadle.

There were no objections and the motion passed unanimously.

> Waiver, U.S.S. 1555 Outerpoint, North Douglas

The staff report was given by Mr. Hartenberger. Maps were also made available.

At the September 26, 1977 meeting of the Planning Commission, the Platting Board moved to continue action on the request to subdivide U.S.S. 1555 into 4 lots. Concern was expressed over the proposed access for these newly created lots and it was recommended that staff and the applicants discuss alternative solutions to the problem. An alternative design was brought to the Subdivision Review Committee in which a 60 foot right-of-way would be dedicated for access to each lot, but would not be constructed at this time. The applicant have since dropped this concept for the reasons given in the attached letter. They wish to subdivide these four lots by waiver, and either provide access by easement or by water. The zone is R-40 and the recommendation is denial. Since this proposal is basically identical to the earlier submittal discussed by the Platting Board at its September 27th meeting, it was the staff's opinion at that time that adequate access was not being provided for these lots and that this proposed subdivision should meet all platting requirements. It is thought that this area will be a prime area for future community expansion and that proper access is a key to sound community development. It not only assures the property owner of access to his property, but also guarantees access for fire, police and other service vehicles.

A letter from Mr. Lance Youngquist of Alaska Coastal Real Estate was included in the staff report.

Mr. Youngquist representing the applicant made himself available for questions. Mr. Minch asked Mr. Youngquist concerning the sketch, if the applicant is suggesting that the Commission approve the sketch showing all 4 lots having access to the water. Mr. Youngquist replied, the applicant would like to have this approved if in fact alternate sketch was not accepted.

There were no further questions for Mr. Youngquist.

Mr. Monti Brice, recalled some of the discussion and comments that were made during the September 27th meeting, one of them being the fact that the property is surrounded on one side by water and three sides by Forest Service land. He also quoted from the U.S. Statute in Title 16, Section 478 which guarantees access to property on which settlers are living through forest service land.

"Nothing in this chapter shall prohibit the egress or ingress of actual settlers residing within the boundaries of National Forest from crossing in to and from the property or homes and such roads and other improvements may be constructed there as necessary and to utilize their property under such rules and regulations as maybe prescribed by the Secretary of Agriculture, nor shall anything herein prohibit any persons from entering upon such national forest for all proper and lawful purposes". "So in essence, what we've got is a guaranteed access by U.S. stature on sides (as shown) through Forest Service land and from the water side". states, Mr. Brice. There really is no problem of access plus the easement factor that was discussed at the last meeting.

Mr. Triplette asked if he has talked with Forest Service before? Mr. Youngquist replied that he has talked with them and they basically stated that an access cannot be denied. By virtue of an existing permit, there is a road built, roughly running down the center of the property touching on all four proposed lots. The Forest Service cannot deny access by use of that existing roadway, unless there is a total misuse of the roadway.

Mr. Triplette asked how they would proceed with the people getting into the lots? Mr. Brice answered, by virtue of the existing lots and if this is approved, the applicant intends to purchase the property in which he will grant easements to those people using the road. Mr. Quinn asked if this was called a perpetual easement? Mr. Brice replied, it is a granted easement by deed or necessity, but there is a concept easement by necessity by which a piece of property is landlocked by which there is no other practical means of transporting himself and his belongings to his property.

Mr. Menzies pointed out that the Native Land Selections selected all of the surrounding lands and asked if Mr. Brice or Mr. Youngquist have talked with Forest Service about this. Would they have to provide access prior to giving up the land to the Natives surrounding this area? Mr. Brice answered, to his understanding they could not transfer the current means of access now.

Mr. Menzies asked Chairman Diebels if he could be excused during this discussion due to a possible conflict of interest.

Mr. Minch moved to excuse Mr. Menzies on the basis that he's declared a conflict of interest. Seconded by Mr. Beadle.

Mr. Minch felt that since Mr. Menzies did not do any work regarding this item that there was no conflict of interest. It was not connected with the waiver that is being requested for. Mrs. Gorsuch agreed with Mr. Minch. In this regard, the roll was called for approval. Mr. Menzies also abstained from the vote.

Ayes: None

Nays: Triplette, Minch, Beadle, Gorsuch, Quinn, Shelley and Diebels.

The motion failed with (7-0) vote. Mr. Menzies returned to his seat.

Mr. Jerry Cressen, applicant, stated that there would still be Forest Land even if the Natives selected their lands. Mr. Hartenberger said that Golbelt will be involved in this area along with City & Borough. Some of the land might be available for private or public development. There might be some ownership changes that may occur.

Mr. Brice stated that they have not discussed this at all with Golbelt. Regardless of who takes the surrounding property in the future, who ever it is will still take it subject to the existing easement or permit.

Mrs. Gorsuch commented by asking if in fact the waiver was not granted and the applicant was required to build a road, is there a requirement that rather than building the road, that the right-of-way could be dedicated for a road but it not constructed and not maintained? Mr. Hartenberger replied, this was done in many cases and that is one way to protect future access needs. It is possible that those lots will be resubdivided in the future and that the Commission needs to decide whether to treat this as a typical subdivision. If not, then this can be waived.

Mr. Triplette asked Mr. Brice why he did not want to have platted access whether there would be a road or not? Mr. Brice replied, the applicant wants property that is somewhat secluded.

Mr. Hartenberger commented, that from time to time the property owners may agree or disagree about access, and it becomes a potential problem. One of staff's concern is that this area could be resubdivided again. If the Commission wants to consider this, then we need to begin to identify other areas in the City and Borough and either we go with these waivers or develop a new portion of the subdivision ordinance, dealing specifically with this type of problem.

Mr. Menzies stated that he is familiar with the land in question. He stated that the alternate planning on this is, you are giving each lot access from the water. Mr. Menzies then asked Mr. Cressin what he would think of a right-of-way on both sides and connecting this right-of-way to the existing road? Mr. Cressin answered, all they would need is a foot path. Mr. Menzies also asked if it is possible for Mr. Brice to write deeds of conveyance stating that each of the tracts has the right to use a travel way that is already existing. Mr. Brice answered, yes, that can be written in the deed.

Mr. Hartenberger brought up a concern from the staff's standpoint, that the North Douglas Plan was adopted by policy by the Assembly to try to allocate the different uses of the waterfront as well as the upland areas. Outer Point was designated as a prime recreational area for both either public or private recreation. Mr. Menzies added the plan was developed for a boat harbor and a subdivision that was not carried through and was brought up again 2 years ago.

There were no other public participants, the public hearing was closed.

Mr. Minch moved to grant the waiver based on the sketch not showing the 20 foot strips. Mr. Beadle seconded the motion.

Mr. Minch speaking in favor of his motion added saying that since any future development will have to come back and will have to comply with the ordinance that we are in good shape in terms of control over this development of these 4 tracts in the future.

Mrs. Gorsuch stated she has talked with Mr. Hartenberger regarding this matter dealing with concept of rural subdivision and this kind of situation. These outlined areas will come before the Commission again in the future. At the present time there isn't enough flexibility in the Subdivision Ordinance. The population density should be considered.

Mr. Menzies asked Mr. Brice about the present roadway. Could he also write in the deed that it is the responsibility of only the applicant to commonly maintain the roadway? Mr. Brice agreed that this will be written in the deed. Mr. Menzies also asked if there will be some type of land owner corporation that will deal singularly with the Forest Service? Mr. Cressin answered it will be a recreational corporation, so they will be dealing with Forest Service.

Mr. Beadle stated that he will vote for this motion if it will be written in the deed that access will be guaranteed from the North Douglas Highway to all lots. Mr. Brice agreed. Mr. Cressin stated that he will be sharing the deed legally.

Mr. Minch moved to amend his motion that in the written subdivision waiver deed description, each of the four (4) tracts will have common usage of the existing constructed roadway through the entire US survey and that a group will be formed to deal singularly with the Forest Service for that portion of the road from North Douglas to the US survey.

Mr. Shelley seconded the motion to the amendment.

Roll call for approval was recorded as follows:

Ayes: Triplette, Minch, Menzies, Beadle, Quin, Gorsuch and Shelley
Nays: Diebels

The motion passed with (7-1) vote.

There were no objections to the main motion.

PLANNING DIRECTOR'S REPORT

Land Selection Status Report

Mr. Hartenberger briefly reviewed the information that was provided by the Forest Land Selection Team and also reviewed the land selection meeting that was held and explained the boundaries that were nominated. Maps were made available showing the lands selected. Mr. Hartenberger

Attachment 4

BOOK 158 PAGE 630
Juneau Recording District

DECLARATION AND ESTABLISHMENT OF RESTRICTIVE COVENANTS FOR U.S. SURVEY NO. 1555

January 18, 1978

Juneau, Alaska

WHEREAS, Stock & Grove, Inc. (hereinafter referred to as "Owner") is the owner in fee simple of the following described real property, situated within City and Borough of Juneau, Alaska, to wit:

All of U.S. Survey No. 1555 (NES) No. 102 including tract A, U.S. Survey No. 1555, recorded in the Recorders Office, Juneau Recording District, First Judicial District, State of Alaska (hereinafter referred to as the "Survey"); and

WHEREAS, the Platting Board of the City and Borough, on November 14, 1977, granted a platting waiver to subdivide the Survey into four lots; and

WHEREAS, said waiver was recorded in Book _____, Page _____, Juneau Recording District, First Judicial District at Juneau, Alaska on January _____, 1978; and

WHEREAS, Owner has agreed to sell one lot to Jerry E. Kressin and Lorily Brice-Kressin, one lot to Raymond F. Skaska and Connie S. Skaska, one lot to Virginia H. Brice, and one lot to Michael J. Smith and Peter K. Moore, (hereinafter referred to collectively as "Purchasers"); and

WHEREAS, it is now desired by Owner and Purchasers to place limitations on record as to the use of the Survey,

NOW, THEREFORE, Owner and Purchasers, do hereby establish covenants, conditions, reservations and restrictions upon which and subject to which all subdivisions and portions of said subdivisions of the Survey shall be improved, sold or conveyed and otherwise treated. Each and every covenant, condition, reservation and restriction is and all are for the benefit of each owner of said Survey or subdivisions thereof, is intended to maintain a quiet and peaceful rustic wilderness environment and to prevent overcrowding, and shall bind the respective heirs, assigns or successors in interest of each and every parcel of said

land, to wit:

BOOK 158 PAGE 631
Juneau Recording District

ARTICLE I

Landowners' Association. The owners of each and every subdivision, lot, or parcel shall become a member of Peterson Creek Land Owners Association, Inc., (hereinafter referred to as the "Association"), and shall be entitled to cast votes at membership meetings thereof in a proportion approximating the acreage of their respective lot, subdivision or parcel of the Survey. The purpose of said Association is to provide an entity to deal with third parties on behalf of the owners of the various subdivisions, lots and parcels within the Survey, to institute and defend legal actions on behalf of the same, to provide maintenance of the roadway running through said real property, and any other lawful purpose as determined by the members, except said Association shall be nonprofit in nature. Each and every member shall be subject to the bylaws of said Association and rules and regulations promulgated thereunder, including the assessment of dues sufficient to defray operating expenses of the Association. Membership in said Association shall run with the individual parcels within the said Survey, and only owners of real property in said Survey may become or remain members.

A. Assessment of annual charge. For the purpose of providing funds for use as specified in Article 1, C hereof, the Association, in accordance with the Articles of Incorporation and the Bylaws of said Association, shall in each year, commencing with the year 1978, assess against each lot owner of record as of the date of each assessment, an amount equal to each lot owner's share of those assessments deemed necessary by the Association for such use. Each lot owner's share shall be computed by dividing the number of acres owned by each lot owner (to the nearest one hundredth of an acre) by the total number of acres within the survey

(to the nearest one hundredth of an acre) and multiply the quotient thereof by the amount of monies deemed necessary by the Board for the purposes (as specified in Article I, C hereof) for the calendar year for which assessment is charged. In making such assessment, the Association shall separately assess each lot upon such basis, and each such lot shall be charged with the subject to a lien for the amount of such separate assessment which shall be deemed the "annual charge" with respect to such lot. The Association may, from time to time, between each annual assessment, make such supplemental assessments as deemed necessary by the Association (in accordance with the Articles of Incorporation and the Bylaws) for a supplemental expenses, including, but not limited to, the purchase of real property within the survey.

If the owner of any lot shall fail to pay the annual charge or supplemental charge within ninety (90) days following receipt of the bill referred to in the above paragraph, in addition to the right to sue the owner for personal judgment, the Association shall have the right to enforce the lien hereinafter imposed to the same extent, including a foreclosure sale and deficiency decree, and (to the extent the appropriate court will accept jurisdiction) subject to the same procedures, as in the case of mortgages under applicable law, the amount due by such owner shall include the annual charges as well as the costs of such proceedings, including a reasonable attorneys fee and the aforesaid interest. If in any case the appropriate court refuses jurisdiction of the enforcement of said lien, then the Association shall have the right to sell the property at private or public sale after giving notice to the owner (by registered mail or by publication in a news paper of general circulation in the City and Borough of Juneau at

least thirty (30) days prior to such sale, Juneau Recording District

The Association shall have the right to adopt procedures, for the purpose of making the assessments herein and the billing and collection of the annual and supplemental charges, provided that the same are not inconsistent with the provisions hereof.

Upon written demand by a lot owner, the Association shall within reasonable period of time issue and furnish to such lot owner a written certificate stating that all annual charges (including interest and costs, if any) have been paid with respect to any specified lot as of the date of such certificate or, if all annual charges have not been paid, setting forth the amount of such annual or supplemental charges (including interest and costs, if any) due and payable as of such date. The Association may make a reasonable charge for the issuance of such certificates which must be paid at the time that the request for such certificate is made. Any such certificate, when duly issued as herein provided, shall be conclusive and binding with regard to any matter therein stated as between the Association and any bonafide purchaser of, or lender on, the lot in question.

B. Imposition of charge and lien upon property. Purchasers, for themselves, their heirs, executives, administrators and assigns, hereby covenant and agree among themselves (in perpetuity with respect to the fee simple estates within the survey conveyed to them by seller):

(a) That they will pay to the Association the annual and supplemental charges assessed by the Association in each year against their respective lots; and

(b) That the annual and supplemental charges, both prior to and after the assessment thereof each year, together with the continuing obligation to pay all

future annual charges assessed in all future years, shall be and remain a first charge against, and a continuing lien upon, their respective lots within the survey.

The Purchasers, for themselves, their heirs, executives, administrators and assigns, further covenant and agree among themselves (in perpetuity with respect to the fee simple estates within the survey conveyed to them by the Seller herein), that in the event any of them default in their respective real estate agreement between them and the Seller herein, the Association shall have the right to pay to Seller those payments which such defaulting purchaser has failed to pay towards the purchase price of said lot. Such payments made by the Association shall constitute a loan to such defaulting purchaser for which interest shall assume at an annual rate of 10% per annum. Such loan together with interest shall be assessed against said defaulting purchaser and for which a lien shall be attached to said lot in a like amount plus costs.

Each purchaser of each lot, by the acceptance of a deed therefore, whether or not it shall be so expressed in such deed, shall be deemed to have agreed to be personally liable for the payment of each annual or supplemental charge assessed by the Association against such lot in each year during any part of which such purchaser holds title to such lot, and to be further personally liable for any unpaid assessments due at the time of purchase, including assessments arising from payments made by the Association to the Seller herein as described above.

C. Use of Funds. The Association shall apply all funds received by it pursuant to these restrictions, and all other funds and property received by it from any source, including proceeds from the sale of any property acquired by the Association and any surplus funds as described below, to

the following:

- (a) The costs and expenses, including taxes, if any, assessed against the Association, including the costs of the maintenance of the common roadway through the survey and annual charges assessed it by the Forest Service, its assigns or successors for access from North Douglas Highway to the survey, including any costs or expenses resulting from any agreement between the Association and the U. S. Forest Service, its successors or assigns, for such access by the members of the Association; and
- (b) For the benefit of the members of the Association, by devoting the same to the acquisition of property within the survey and any other such expenses as determined by the Association in accordance with its Bylaws and Articles of Incorporation.

ARTICLE II

Subdividing. No parcel within the Survey may be further subdivided into subdivisions, lots or parcels of less than three acres; nor may any parcel be further subdivided in such a manner as to create any lot containing more than one dwelling unless such lot be a minimum of six acres in size; nor may any subdivision be further subdivided in such a manner as to create more than a total of two beachfront lots within the Survey.

HOWEVER, if any real estate adjacent to the Survey is ever developed in such a manner as to create residential lots of two or fewer acres within 1000 feet of the border of the Survey, then the above restrictions shall be inapplicable and further subdivisions shall be subject to the following restrictions.

- A. No parcel within the Survey may be further subdivided into lots of less than two acres;

- B. No parcel within the Survey may be further subdivided in such a manner as to create any lots containing more than one dwelling unless such lot be a minimum of four acres in size;
- C. Neither of the two beachfront parcels existing within the Survey at the date of this declaration may be further subdivided in such a manner as to create more than a total of two beachfront subdivisions within each of said parcels.

ARTICLE III

Residential Use. No lot shall be used for other than residential or recreational purposes.

ARTICLE IV

Dwellings. (a) No lot may contain more than two dwellings. No lot of less than six acres may contain more than one dwelling. Where more than one dwelling sits on a single lot, such dwellings must be spaced so that further subdividing of said lot within the guidelines set forth in Article II above could be accomplished in such a manner as to allow a minimum lot size of three acres for each dwelling. No dwellings may be designed as other than single family units.

HOWEVER, if any real estate adjacent to the Survey is ever developed in such a manner as to create residential lots of two or fewer acres within 1000 feet of the border of the Survey, then a maximum of two dwellings may be built on any lot which is at least four acres in size, provided such dwellings are spaced so that further subdividing of such lot within the applicable guidelines of Article II above could be accomplished in such a manner as to allow a minimum lot size of two acres for each dwelling.

(b) No duplexes, condominiums, apartment complexes, or other dual or multiple family units may be constructed. No mobile homes may be brought to or placed upon any of the lots within said property. All buildings shall be designed to fit in

with the natural environment of the Survey, and designs for all buildings are subject to the approval of the Association.

ARTICLE V

Sewage. No raw sewage may be allowed to seep or otherwise be discharged into any natural waterways running through or adjacent to any portion of the survey, nor may any raw sewage be allowed to seep or otherwise be discharged from any lot within the Survey onto any other lot within said Survey.

ARTICLE VI

Rubbish, garbage and refuse disposal. No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or that will be offensive to the eye; nor shall any substance, thing or material be kept upon any lot that will emit foul or obnoxious odors, or that will in other ways disturb the peace, quiet, comfort or serenity of the occupants of the surrounding property. Trash, garbage and other waste shall be kept in sanitary containers or contained compost heaps. All incinerators or other equipment for the storage or disposal of such matters shall be kept in a clean and sanitary condition.

ARTICLE VII

Easements. The owner of each lot bordering on Peterson Creek shall grant to the owners of each and every other lot within the Survey, whether bordering on said Peterson Creek or not, a ten foot easement along the southwestern bank of Peterson Creek (otherwise known as the bank of said creek which is opposite the existing roadway) for foot traffic and use of the creek only, for the use and enjoyment of the owners of each and every other parcel of land within said property. Each such easement shall be appurtenant in nature, all the rights and obligations

attendant thereto to run with the land. The owners of each lot shall grant a permanent easement for vehicular traffic to the owners of each and every other lot along the now existing roadway or any future replacement of said road, for the purposes of vehicular access from North Douglas Highway to the two northwestern most subdivisions of said real property, the Survey and for ingress, egress, utilities and incidental purposes. This easement is intended for such access to each and every subdivision, and not intended to provide vehicular or other access to the beach running along the northwestern end of the Survey. Said easement shall be deemed an easement appurtenant, all rights and obligations thereto to run with the land. The roadway passing through said easement shall be maintained by the Association.

ARTICLE VIII

Native trees. No lot may be cleared of more native trees than is necessary in order to construct buildings, to enhance the view, or for the purposes of a yard or garden, in which event no more than one acre of land may be cleared for the purposes of such yard or garden. It is the purpose of this section to prevent the unnecessary destruction or removal of native trees which provide privacy and scenic beauty; it does not prevent thinning and pruning. The clearing of native trees for the purposes of enhancing the view or for the purposes of establishing a yard or garden are subject to the approval of the Association, which shall render approval only for the purposes expressed in this article, and, when the purposes are within the provisions of this article, the Association shall deny approval only where said clearing is visible from any of the other lots. In the event of such destruction or removal except as stated above, the replacement and replanting of the same shall be required and the costs thereof shall be borne by the lot owner.

ARTICLE IX

General provisions.

- A. Term. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until such time as said covenants are revoked by unanimous consent of the shareholders of the Association.
- B. Enforcement. In the event of a violation or breach of any of these restrictions or covenants by any person or concern claiming by, through or under any party or person claiming ownership of any of the land contained within said real property, their successors, or assigns, and the Association or the lot owners of record, or any of them jointly or severally shall have the right to proceed at law or in equity to compel compliance with their terms hereof or to prevent the violation or breach of any of them.

In addition to the foregoing, the Association, its successors or assigns, shall have the right whenever there shall have been built or brought upon any lot, any structure which is in violation of these covenants, to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owner; such entry and abatement or removal shall not be deemed a trespass. The failure to enforce any right, reservation, restriction or condition contained in this Declaration, however long continued, shall not be deemed a waiver of the right to do so thereafter, as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect enforcement.

- C. Severability. Invalidity of any portion of

these covenants by judgment, decree or court order shall in no wise affect any of the other provisions contained therein, which shall remain in full force and effect.

IN WITNESS WHEREOF, the Owner and Purchasers of the Survey have caused this instrument to be executed and do so on the ____ day of _____, 19__, place their signatures hereon.

OWNER:

R. D. Stock
R. D. Stock, President,
Stock & Grove, Inc.

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 14th day of JANUARY, 1978, in Juneau, Alaska, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared R. D. Stock, to me known and known to me to be the person he represents himself to be, President of Stock & Grove, the Owner described in the foregoing instrument, and who acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned, being fully authorized to do so.

WITNESS my hand and official seal the month, day and year herein first above written.

Richard S. Emil
Notary Public, State of Alaska
My Commission Expires: 4-1-81

PURCHASORS:

Jerry E. Kressin
Jerry E. Kressin

Lorily Brice-Kressin
Lorily Brice-Kressin

Raymond F. Staska
Raymond F. Staska

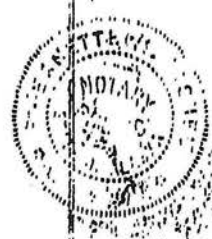
Connie S. Staska
Connie S. Staska
Virginia H. Brice
Virginia H. Brice
Michael J. Smith
Michael J. Smith
Peter K. Moore
Peter K. Moore

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 13th day of JANUARY, 1978, in Juneau, Alaska, before me the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Jerry E. Kressin, Lorily Brice-Kressin, Raymond F. Staska, Connie S. Staska, Virginia H. Brice, Michael J. Smith and Peter K. Moore, to me known and known to me to be the persons they represent themselves to be, the persons described in the foregoing instrument, and who acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the month, day and year herein first above written.

James M. F. F. F.
Notary Public for Alaska
My Commission Expires: 12/7/81



7 8-0 2 8 9

RECORDED
JAN 10 1978

JAN 10 2 31 PM '78

Attachment 5

Officially Filed

ORIGINAL

DATE DECEMBER 17, 1991

**U.S. SURVEY
No. 1096, ALASKA
SUPPLEMENTAL PLAT**

This supplemental plat of U.S. Survey No. 1096 (Homestead Entry Survey No. 75), showing the segregation of U.S. Survey No. 1555 (Homestead Entry Survey No. 182) and the subdivision of the remainder of U.S. Survey No. 1096 into Lots 1, 2, and 3, is based upon the plat of Township 41 South, Range 66 East, Copper River Meridian, Alaska, accepted June 14, 1990; the plat of U.S. Survey No. 1096 (Homestead Entry Survey No. 75) approved April 13, 1917; and the plat of U.S. Survey No. 1555 (Homestead Entry Survey No. 182) approved May 29, 1925.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This supplemental plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

ATTACHMENT B

Attachment 5

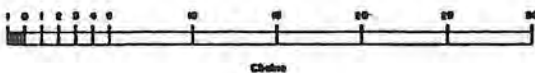
Sec. 19

Sec. 20



Sec. 30

Sec. 29



Attachment 5

0437 PAGE 680

0209 PAGE 031

Form 1850-9
(January 1983)

The United States of America

To all to whom these presents shall come, Greeting:

RETURN TO:

FROM: Bureau of Land Management
222 West 7th Avenue, #13
Anchorage, AK 99513

AA-9205-C
AA-9205-D

SEALASKA CORPORATION
ONE SEALASKA PLAZA, SUITE 400
JUNEAU, ALASKA 99801

WHEREAS

Sealaska Corporation

is entitled to a patent pursuant to Sec. 14(h)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(3), and the Exchange Agreement, dated April 11, 1979, between the Secretary of the Interior, the Secretary of Agriculture, Sealaska Corporation, and Goldbelt, Incorporated, recorded in Book 158, pages 211 through 230, in the Juneau Recording District, of the subsurface estate reserved to the United States in the hereinbelow identified patent for the surface estate in the following described lands, a portion of which are described in IC Nos. 409, 581 and 813:

Patent No. 30-93-0033

Lot 3, U.S. Survey No. 1096, Alaska.

Containing 75.38 acres, as shown on supplemental plat of U.S. Survey No. 1096, Alaska, officially filed December 17, 1991.

Copper River Meridian, Alaska

T. 36 S., R. 63 E.,
Sec. 17, lots 1 and 2;
Sec. 21, lots 2, 3, and 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 219.77 acres, as shown on plats of survey officially filed March 30, 1987 and January 17, 1992.

T. 37 S., R. 63 E.,
Sec. 12, lots 1 to 6, inclusive;
Sec. 13, lots 1, 5, 15, 18, and 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, lots 1 and 2.

Containing 448.33 acres, as shown on plats of survey officially filed March 30, 1987 and January 17, 1992.

Record in: ^{Juneau} Ketchikan Recording District

30-93-0034

Patent Number

AA-9205-C
AA-9205-D

WHEREAS

Goldbelt, Incorporated
801 W 10th Street, Suite 300
Juneau, AK 99801

is entitled to a patent pursuant to Sec. 14(h)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(3) and the Exchange Agreement, dated April 11, 1979, between the Secretary of the Interior, the Secretary of Agriculture, Sealaska Corporation, and Goldbelt Incorporated, recorded in Book 158, pages 211 through 230, in the Juneau Recording District, of the surface estate, in the following described lands, which are described in Interim Conveyance Nos. 244 and 408:

Lot 3, U.S. Survey No. 1096, Alaska. 3D1401000010

Containing 75.38 acres, as shown on supplemental plat of U.S. Survey No. 1096, Alaska, officially filed December 17, 1991.

Copper River Meridian, Alaska

T. 36 S., R. 63 E.,
Sec. 17, lots 1 and 2;
Sec. 20, lots 3 and 4;
Sec. 21, lots 2, 3, and 4, SW¼SW¼.

} 3D1401000010

Containing 230.17 acres, as shown on plats of survey officially filed March 30, 1987 and January 17, 1992.

T. 37 S., R. 63 E.,
-Sec. 1, lots 1, 2, and 3, E½NE¼;
-Sec. 12, lots 1 to 6, inclusive;
-Sec. 13, lots 1, 5, 15, 18, and 20, SE¼NE¼;
Sec. 24, lots 1 and 2.

} 3B4501000070

Containing 610.27 acres, as shown on plats of survey officially filed March 30, 1987 and January 17, 1992.

Patent Number 50-93-0033

The United States of America

To all to whom these presents shall come, Greeting:

Attachment 5

BOOK 0391 PAGE 209

AA-18004
NFCG

WHEREAS

State of Alaska

is entitled to a Land Patent for the purposes of furthering the development of and expansion of communities, pursuant to Section 6(a) of the Alaska Statehood Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, for the following described lands:

Lots 1 and 2, U.S. Survey No. 1096, Alaska, on Fritz Cove, near Outer Point, on northwest shore of Douglas Island.

Containing 28.93 acres, as shown on the supplemental plat of survey officially filed December 17, 1991.

Copper River Meridian, Alaska

T. 41 S., R. 66 E.,
Sec. 17, lots 1, 2, and 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 18, lot 1;
Sec. 19, lots 1 to 6, inclusive;
Sec. 20, lot 1, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 29, lot 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 1,693.47 acres as shown on plat of survey officially filed June 22, 1990.

T. 42 S., R. 66 E.,
Sec. 3, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Patent Number 50-94-0015

A
L
A
S
K
AAttachment 6

2XCC

Return to:

Peterson Creek Landowners Assn.
P.O. Box 021883
Juneau, AK
99802

Presented by:

Peterson Creek Landowners Association

THIS COVER SHEET HAS BEEN ADDED TO
THIS DOCUMENT TO PROVIDE SPACE FOR
THE RECORDING DATA. THIS COVER
SHEET APPEARS AS THE FIRST PAGE OF
THE DOCUMENT IN THE OFFICIAL PUBLIC
RECORD.

DO NOT DETACH

AGREEMENT AND DEED FOR PERPETUAL EASEMENT

Agreement made this 9th day of September-2002 by and between Goldbelt, Incorporated, an Alaska corporation whose address is 9097 Glacier Highway, Suite 200, Juneau, Alaska 99801 ("Goldbelt"); and the Peterson Creek Landowners Association, an Alaska non-profit corporation whose address is P.O. Box 021883, Juneau, Alaska 99802, and its individual members who own the dominant estate (herein collectively "PCLA").

RECITALS:

Goldbelt is the owner of the surface estate in certain real property located on Douglas Island within the boundaries of the City and Borough of Juneau and located in the Juneau Recording District, First Judicial District, State of Alaska. The individual members of PCLA are the owners of parcels of real property adjacent to the surface estate owned by Goldbelt. The members of PCLA wish to obtain permanent and convenient access to their property by means of a perpetual easement over a portion of Goldbelt's property.

NOW, THEREFORE, in consideration of the sum of Ten Dollars and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. Goldbelt hereby grants, bargains, sells, and conveys to PCLA a perpetual easement for ingress and egress for residential driveway purposes and any and all utilities over and across the following servient estate:

U.S. Survey No. 1096, Lot 3; Alaska, as shown on supplemental plat of U.S. Survey No. 1096, Alaska, officially filed December 17, 1991, located in the Juneau Recording District, First Judicial District, State of Alaska (the "Property").

2. The easement granted and conveyed consists of a right of way 40 feet in width extending across portions of the Property. The precise location and dimensions of the easement are provided in the Plat of Roadway Easement Through a Portion of U.S. Survey No. 1096 attached to this Agreement as Exhibit A and made a part hereof.

3. The principal purposes of this easement are to provide ingress and egress for residential driveway purposes and any and all utilities to residential property owned by the members of PCLA and the easement granted by this deed is for the benefit of and appurtenant to the dominant tenement consisting of the following real property.

U.S. Survey No. 1555, as shown on supplemental plat of U.S. Survey No. 1096, Alaska, officially filed December 17, 1991, and its subdivision and legal description as recorded on Plat 78-25 W officially filed on September 6, 1978.



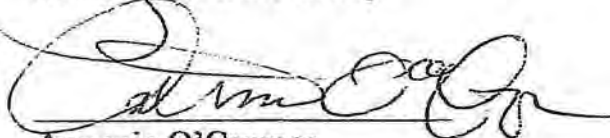
**PETERSON CREEK LANDOWNERS ASSOCIATION
and its individual members**


Angela J. Sandleben, President,
member and individually

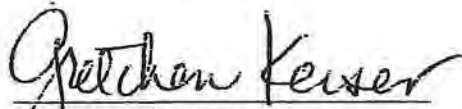

David Bonk,
member and individually


Jeannine Bonk,
member and individually

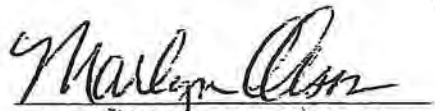

Maureen O'Campos, Board,
member and individually

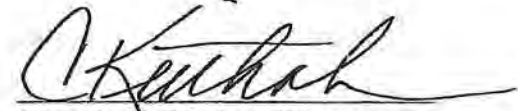

Armenio O'Campos,
member and individually

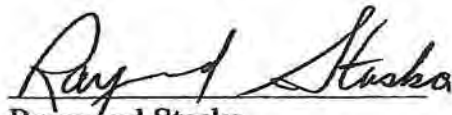

Robert Wild, Secretary,
member and individually

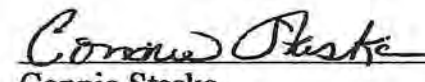

Gretchen Keiser,
member and individually


Ann Olson,
member and individually


Marlyn Olson, Vice President
member and individually


Connie Keithahn, Treasurer,
member and individually


Raymond Staska,
member and individually


Connie Staska,
member and individually

ACKNOWLEDGMENT

Agreement and Deed for Perpetual Easement

Page 3 of 10

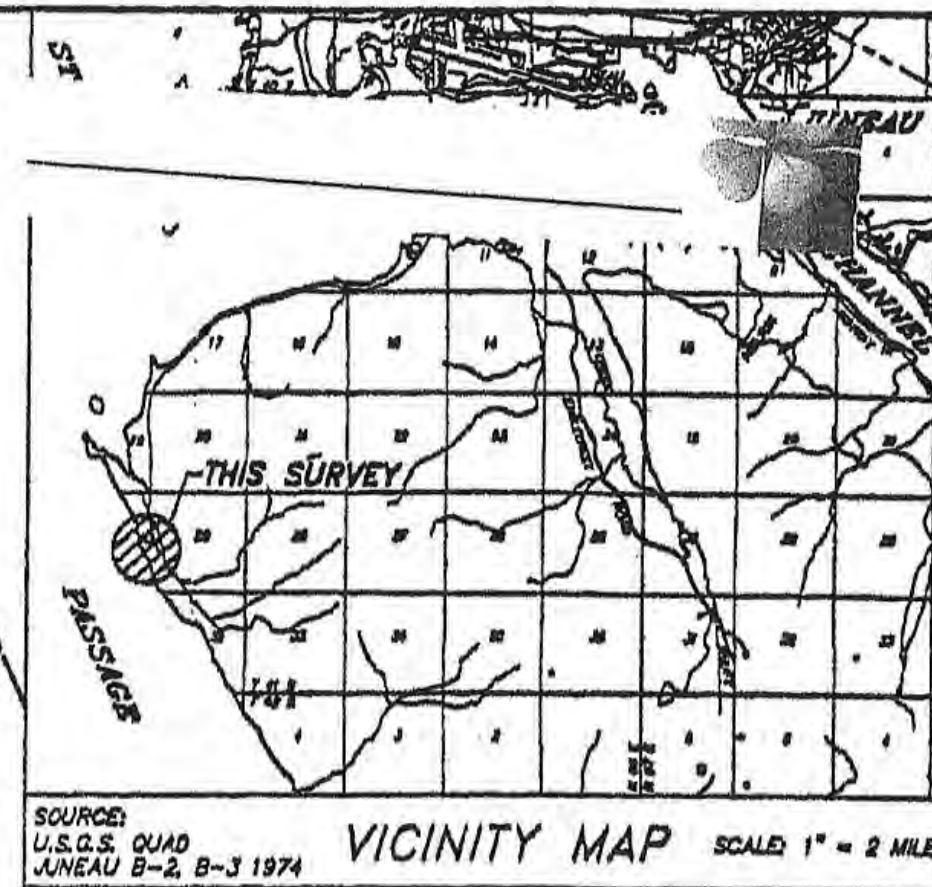
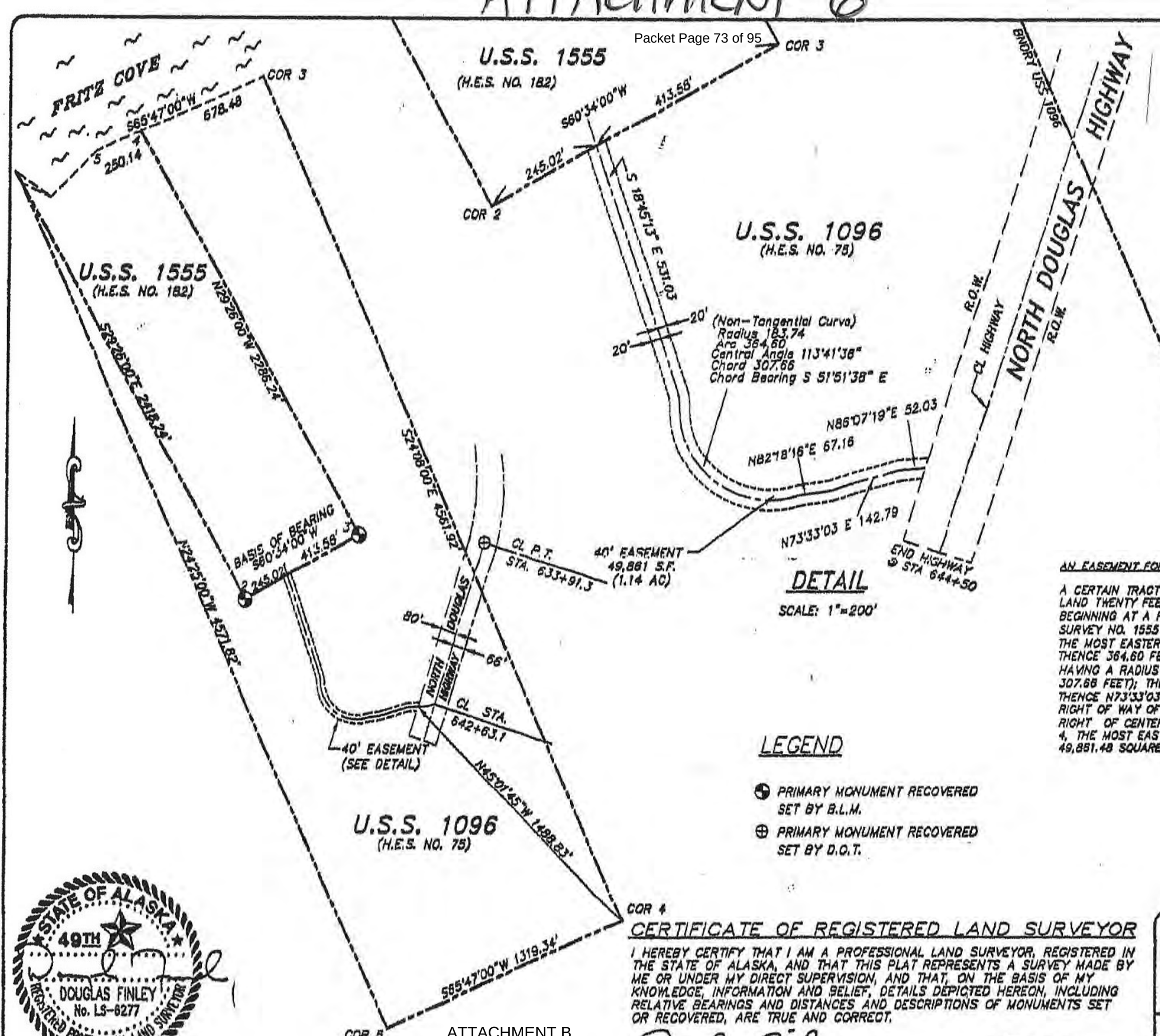


8 of 12

2. Local Area Map.
3. Minutes from Planning and Zoning Commission Meetings on 9/26/1977 and 11/14/1977. Pertinent portions only.
4. *Declaration and Establishment of Restrictive Covenants for U.S. Survey 1555*, Juneau Recording District; Book 158, pages 630-641; January 18, 1978.
5. *U.S. Survey No. 1096, Alaska, Supplemental Plat*. Juneau Recording District, December 17, 1991. And patents to lots within USS 1096 to Sealaska Corporation, Goldbelt, Inc., and State of Alaska.
6. *Agreement and Deed for Perpetual Easement* (between Goldbelt and PCLA, pertinent portion), Juneau Recording District, 2003-009640-0, September 10, 2003 including Exhibit A.

Amended Page 10 to correctly identify #2 and add Exhibit A on to #6.

[Signature] 10/6/2015



AN EASEMENT FOR AN EXISTING ROADWAY

A CERTAIN TRACT OF LAND LOCATED WITHIN US SURVEY NO. 1096, COMPRISING A CORRIDOR OF LAND TWENTY FEET ON EACH SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS : BEGINNING AT A POINT ON THE COMMON BOUNDARY OF US SURVEY 1096 (HES NO. 75) AND US SURVEY NO. 1555 (HES NO. 182); SAID POINT BEARS S60°34'W, 413.98 FEET FROM CORNER 3, THE MOST EASTERLY CORNER OF US SURVEY NO. 1555; THENCE S18°45'13"E, 531.03 FEET; THENCE 364.60 FEET ALONG THE ARC OF A NON TANGENTIAL CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 183.74 FEET AND A CENTRAL ANGLE OF 113°41'38" (CHORD S51°51'38"E, 307.66 FEET); THENCE CONTINUING ON A NON TANGENTIAL COURSE N82°18'16"E, 67.16 FEET; THENCE N73°33'03"E, 142.79 FEET; THENCE N86°07'19"E, 52.03 FEET MORE OR LESS TO THE RIGHT OF WAY OF THE NORTH DOUGLAS HIGHWAY, SAID POINT BEING OFFSET 80.0 FEET TO THE RIGHT OF CENTERLINE STATION 642+63.1, AND BEARING N45°01'45"W, 1488.83 FEET FROM COR 4, THE MOST EASTERLY CORNER, OF US SURVEY NO. 1096. THIS CORRIDOR OF LAND CONTAINS 49,881.48 SQUARE FEET, OR 1.14 ACRES.



SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

PLAT OF ROADWAY EASEMENT THROUGH
A PORTION OF U.S. SURVEY No. 1096
LOCATED ON DOUGLAS ISLAND
IN THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU, ALASKA RECORDING DISTRICT

DOUGLAS FINLEY LAND SURVEYING
820 6TH STREET - JUNEAU, ALASKA (907) 588-4253

SHEET
1 of 1

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, DETAILS DEPICTED HEREON, INCLUDING RELATIVE BEARINGS AND DISTANCES AND DESCRIPTIONS OF MONUMENTS SET OR RECOVERED, ARE TRUE AND CORRECT.

Paul Finley

5-21-02



Jonathan Lange

From: Ron King
Sent: Tuesday, October 20, 2015 11:07 AM
To: Jonathan Lange; Ed Foster
Cc: Rorie Watt
Subject: RE: Request for Review Comments VAR2015 0031

The driveway to the property in question ties into a state hwy. An intersection would require state approval. As to ROW width the code requires a minimum of 50ft. It is noted that the original easement for the driveway is only 40ft. Public Works will need to discuss the minimum typical section allowed for the road construction that streets would maintain. Also note that a fire apparatus turn-around will be required.

Ron King PLS

General Engineering
 907-586-0881

From: Jonathan Lange
Sent: Tuesday, October 20, 2015 10:45 AM
To: Ed Foster; Ron King
Subject: Request for Review Comments VAR2015 0031

Subject: Please review attached documents related to a Variance Request application for a variance to the subdivision criteria for direct and practical access.
File: VAR2015 0031
Location: USS 1555, End of North Douglas Highway, accessed via Goldbelt/Sealaska Easement, along Peterson Creek



The subdivision ordinance requires direct access on a Right-of-Way dedicated and maintained by an agency of government for each lot created through subdivision. The applicant would like to create 5 additional lots in USS

1555. USS 1555 is accessed through an easement across Goldbelt/Sealaska land from the end of North Douglas Highway. The current access road is adjacent to Peterson Creek.

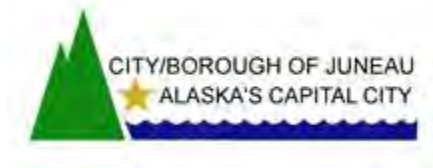
What would be the smallest Right-of-Way width that would need to be maintained for future utilities and CBJ street maintenance? Please comment on the proposed application.

I look forward to receiving your comments. Please comment by October 30th, 2015 or as soon as possible.

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

Thank you and have a great day.

Jonathan Lange, CFM
Planner II, Community Development Dept.
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218
Jonathan.Lange@juneau.org



Jonathan Lange

From: Ed Mercer
Sent: Tuesday, October 27, 2015 8:30 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments VAR2015 0031

Hi Jonathan,

JPD does not have any problem with this request.

Thanks, Ed

From: Jonathan Lange
Sent: Tuesday, October 20, 2015 10:37 AM
To: marie.heidemann@alaska.gov; Dan Jager; Ed Mercer; jackie.timothy@alaska.gov
Subject: Request for Review Comments VAR2015 0031

Subject: Please review attached documents related to a Variance Request application for a variance to the subdivision criteria for direct and practical access.
File: VAR2015 0031
Location: USS 1555, End of North Douglas Highway, accessed via Goldbelt/Sealaska Easement, along Peterson Creek

Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Thursday, October 29, 2015 10:52 AM
To: Jonathan Lange
Cc: Haynes, Emily R (DOT); Buck, Joseph T (DOT); Epstein, David B (DOT)
Subject: RE: Request for Review Comments VAR2015 0031

Jonathan,

We are supportive of the applicant's request to combine access for these units to one shared drive as we prefer limited access points to our roads functionally classed Major Collector and higher. However, the applicant should be made aware that the number of units the driveway will access will require it to adhere to our commercial standards (within our right of way). The driveway will have to be widened to at least 24' and they will need a new permit from us.

Thanks for the opportunity to comment.

Marie Heidemann
 Transportation Planner
 Southcoast Region, ADOT&PF
 465-1775

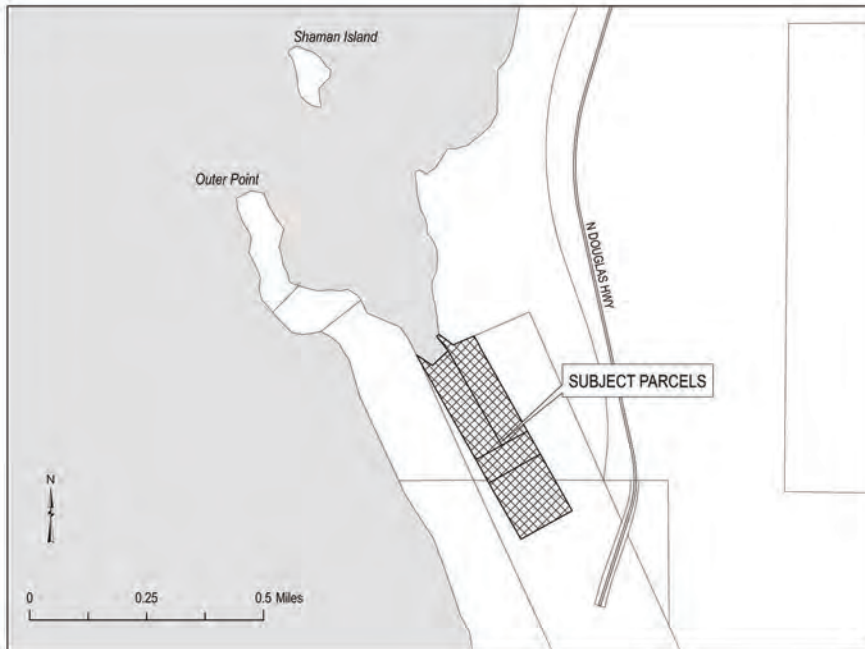
From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, October 20, 2015 10:37 AM
To: Heidemann, Marie E (DOT); Dan Jager; Ed Mercer; Timothy, Jackie L (DFG)
Subject: Request for Review Comments VAR2015 0031

Subject: Please review attached documents related to a Variance Request application for a variance to the subdivision criteria for direct and practical access.
File: VAR2015 0031
Location: USS 1555, End of North Douglas Highway, accessed via Goldbelt/Sealaska Easement, along Peterson Creek

**Attachment D: Subdivision Review Committee Minutes
from the November 10, 2015 Meeting will be submitted as a
Blue Folder Item.**



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to the requirement for frontage and practical access on a public right-of-way for a proposed minor subdivision.

File No:	VAR2015 0031	Applicant:	Peterson Creek Landowners Association
To:	Adjacent Property Owners	Property PCN:	3-D14-0-107-001-0; 002-0; 003-0; 004-0
Hearing Date:	November 24, 2015	Owner:	Multiple
Hearing Time:	7:00 PM	Size:	Approximately 34.6 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	Rural Reserve
		Site Address:	14010 through 14040 N. Douglas Highway
		Accessed Via:	N. Douglas Highway

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 week 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@juneau.org or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

ATTACHMENT E



Entrance for easement across
USS 1096 at North Douglas
Highway.



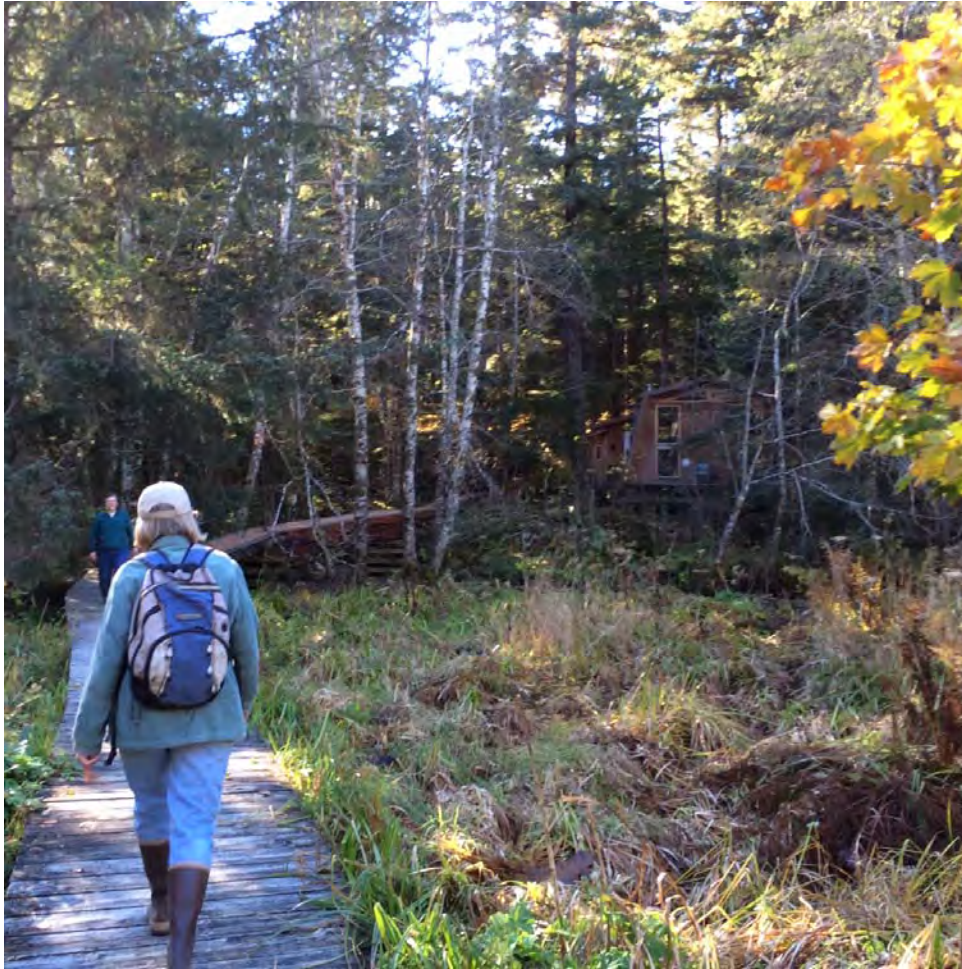
Driveway typical through
Goldbelt/Sealaska property.



Beginning of USS 1555 at Tract 1 property line. Small cabin next to driveway.



Garage on Tract 1 next to driveway.



Home on west side of Peterson Creek on Tract 1.



Tract 2 parking area near Peterson Creek.



Second home on Tract 2,
accessed by footbridge.



Tract 3 first home on west side of Peterson Creek.



First home accessed
by vehicular bridge.



Driveway next to
Peterson Creek
looking towards fork
in driveway that
accesses homes on
Tract 3 and 4 near
beach.



Driveway accessing second home on Tract 3.



Second home on Tract 3 near beach.

Jonathan Lange

From: Gretchen Keiser <gekeiser@gmail.com>
Sent: Wednesday, November 11, 2015 1:03 PM
To: Jonathan Lange; Laura Boyce; Beth McKibben
Cc: Ann & Marlyn Turner Olson; Jill Sandleben; Robert Wild
Subject: VAR 31 Next Steps

Good Afternoon. We'd like to meet with you soon as you work through the research assignments we heard raised by the Commissioners last night. Here's our take on their requests:

- 1- Dan Miller asked about whether the driveway has to be in the ROW, if it were platted outside the 50' buffer.
- 2- Paul Voelckers' comment at the beginning about nomenclature and his request to staff to research whether our situation which includes a "grandfathered access" and that the changes to that access appeared benign. He also used the word "passive" with respect to impacts.
- 3- Ben Haight suggested exploring our request for ways to minimize impacts to Peterson Creek that meets the intent of the buffers and maintains the existing driveway. He mentioned recent decisions that carried conditions to protect wetlands.
- 4- Dan Miller then summarized what he saw as three issues raised: stream side setback, could a ROW be made within the Survey (1555), and a ROW outside the subdivision on Goldbelt's land. He asked whether a ROW could be placed on top of the existing easement outside the subdivision. Dan seemed to think that if there couldn't be a ROW outside the Survey that would kill the possibility of connecting to No. Douglas Hwy by public ROW.

That's what we had as follow-up work from the meeting.

My comments yesterday and the Sept 16 application explain what we know of Goldbelt and Sealaska's reaction to our variance. They have our application and the City public notice. Has staff received any Native Corps correspondence to date? Does staff intend to contact the Native Corps land managers directly before Nov 24?

We would like to meet with you Friday or early next week. Please suggest a date and time, as we are open.

Thanks,
 Gretchen

November 18, 2015

CBJ Board of Adjustment
Subject: VAR 2015-0031

Members:

This letter provides comments following a review of CDD staff's draft report on the Peterson Creek Landowners Assn's (PCLA) request for a variance to requirements for frontage on and access to a public right of way in order to proceed with a minor subdivision of USS 1555.

Clarification on the Variance Request. Our September 16, 2015 letter accompanying the variance application stated that we were seeking a variance to 49.15.424(b) *Publicly maintained access within a subdivision*. In fact, 49.15.424(c) may be more appropriate as it addresses a *privately maintained access within a subdivision*. With respect to either of these subdivision access standards, we are seeking a variance to the required access via a public ROW and lot frontage on that public ROW.

Existing Driveway to and within USS 1555. Our driveway is about 0.6 mile long and was built in 1968 more or less through the center of USS 1555 and through USS 1096. The first 0.2 mile off North Douglas Highway crosses gently sloping terrain over Goldbelt property in USS 1096 and then enters USS 1555. It is the final downstream 0.25 mile portion of the driveway that is located adjacent to Peterson Creek. Along this ¼ mile stretch, measured at 100 ft. intervals, the vegetated area between the streambank and edge of roadway averages 20' and varies from >50 ft. to 3 ft. The narrowest stretch runs along about 30' of the creek.

Our read of the definitions within the CBJ land use code 49.80.120 indicates that we have what is called an "ordinary driveway" (as distinguished from a privately maintained access road) in that it "provides access between a parcel of land and the public portion of the street, and is not for public access."

Non-conforming Situation. Since 1987 enactment of the Habitat code, about 0.25 mile of the driveway has been non-conforming as it generally lies within the 50' setback on Peterson Creek, a catalogued anadromous fish stream. The proposed subdivision would not aggravate the non-conforming situation as we are not proposing any change to the physical footprint of the driveway along Peterson Creek, and no new development would be allowed within 50' buffer.

Driveway Maintenance and Use. The PCLA maintenance and use of the private driveway include the following practices:

- Minimal tree clearing.
- Gravel placement in potholes.
- Brushing along ditch and four culverts on East side away from creek to maintain drainage
- Snow plowed along both sides of driveway, except in narrow section where it is plowed away from the creek. USS 1555 landowners perform the snow plowing.

- No use of de-icing material or herbicides.
- No use of roadside for gardening with fertilizers, etc.
- Minimal storage in parking areas and restrictive covenants used to enforce removal of trash, rubbish, other waste, etc.

Subdivision Review Committee Meeting November 10, 2015. Several of the PCLA members attended the SRC meeting. We believe that the two central issues raised by commissioners were the driveway-ROW relationship and the potential for mitigation to meet the intent of the stream buffers along Peterson Creek and still allow continued use of the existing driveway. In a follow-up meeting with CDD staff on November 16th, we learned that “direct and practical access”, while not defined in CBJ land use code, is currently interpreted to mean that each lot has to be physically accessed from a public ROW through the lot frontage. It is frustrating to try to address access requirements that are not clearly defined in code, especially when we believe that our driveway meets any common understanding of “direct and practical” access to North Douglas Hwy!

Goldbelt Easement and Public ROW. At the November 10th SRC meeting, the question came up about placing a public ROW over the private easement PCLA owns across Goldbelt property in USS 1096. We followed that meeting with a November 13th telephone conversation with Ms. Judy Mason, Land Manager for Goldbelt, Inc, whom we previously met with and provided a copy of our application in mid-September. Ms. Mason stated that Goldbelt did not want a public ROW and would not allow a public ROW in the private easement in USS 1096.

Without the possibility of a public ROW through USS 1096, we face the practical difficulties of constructing an expensive, new public ROW from North Douglas Hwy to USS 1555 along the section line to the east. Further, the PCLA would then have to extend this new access through USS 1555. Both are unreasonable because of the expense and unwarranted because a useful and practical access already exists.

Mitigation and Peterson Creek. With respect to potential mitigation that would protect Peterson Creek and allow continued use of our driveway, we examined recent variances granted along Jordan Creek (Watershed Coalition project at Tlingit-Haida property) and Casa del Sol (ANDSOH commercial subdivision). We also reviewed the 2010 *CBJ Manual of Stormwater Best Management Practices*. Practices that seem practical and made sense to us include: no impervious surfaces within the 50’ buffer; snow plowing that avoids disposal into the creek; no storage of trash, rubbish and other wastes within 50’ buffer; and vegetated improvements along the stretch of creek with narrow separation from driveway. We would also suggest that the very low traffic volume on our driveway now and in the future mitigates the potential for pollution sources that could impact the creek’s water quality.

Variance Requirements.

Criterion No. 1 is met because granting the variance is not an injustice to other property owners who can reasonably meet the access requirements, whereas we cannot. Criterion 1 would also provide substantial relief to the USS 1555 property owners.

Criterion No. 2. As stated in our September 16th letter, the well-established PCLA, commonly held driveway with annual charge to USS 1555 landowners for maintenance, and liability insurance policy meet the intent of the recently adopted subdivision code that addresses privately maintained driveways. We have a successful track record for several of the provisions in CBJ 49.15.430-435. We believe that we meet the criterion and disagree with staff.

Furthermore, our restrictive covenants limit development to 1 single-family house (with 1 accessory apartment) per lot in the proposed subdivision. Using CDD's formula, the maximum Average Daily Trips would be 146 for nine lots, which is well below thresholds that trigger more substantial road standards. Realistically, the relatively remote location of our subdivision limits the ADT per household as working singles or couples with or without children consolidate trips into town or the Valley. The driveway has very low traffic volume because landowners simply don't drive to town just to buy a loaf of bread or come home from work for lunch!

We contacted AK Department of Transportation and Public Facilities and obtained information about a state driveway permit. The potential upgrades where our driveway intersects with the North Douglas Hwy ROW that could be triggered by a 9-lot subdivision appear to be reasonable.

Criteria No. 3 and No. 4. Criteria are met.

Criterion No. 5 (C). This criterion is met as it would be unnecessarily burdensome and expensive to construct a public ROW. As stated previously, Goldbelt will not allow a ROW on the private easement through USS 1096, and Peterson Creek would necessitate the relocation of a downstream portion of the existing driveway within USS 1555.

Criterion No. 6. In 1977, the original plat waiver included conditions that led to neighborhood benefits through the establishment of the PCLA, a common easement with annual maintenance, and guaranteed access to each lot within USS 1555. Granting the variance now would result in benefits to the neighborhood through provisions that protect Peterson Creek.

In conclusion, we believe that the scope of change we are proposing for a 9-lot minor subdivision is truly minor. We are willing to work through potential mitigation in order to protect the healthy water quality of Peterson Creek. If there are concerns that covenants can change or CBJ has no ability to enforce covenants, a plat note could provide a reasonable alternative. Granting the variance allows us to move forward toward simplified landownership and a thoughtful expansion of separate, buildable lots in our neighborhood. The irony of the overall situation is that without a variance, the maximum legal build-out of USS 1555 would be eight dwellings with accessory apartments, or two per large lot under the covenants and Rural Reserve zoning. Both the USS 1555 landowners and the CBJ are better served by granting a variance that meets our objectives and provides CBJ some say in how the land continues to be developed.

Thank you for your attention to this matter.

Sincerely,



Gretchen Keiser

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

October 26th, 2015 5:00 PM.
Assembly Chambers

I. ROLL CALL

Kate Troll, Chair, called the meeting to order at 5:00pm.

Members Present: Kate Troll, Chair (Regular Chair Kiehl participated via teleconference); Assembly members: Mary Becker, Jerry Nankervis, and Jesse Kiehl

Other Assembly Members Present: Karen Crane and Debbie White

Liaisons Present: Christopher Mertl and Bill Peters

Liaisons Absent: Mike Peterson

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Teri Camry, Senior Planner; Chrissy McNally, Planner II; and Rob Steedle, Deputy City Manager

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

A. September 28th, 2015

The minutes of the September 28th, 2015 Lands Committee meeting were approved as amended.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Preliminary Draft Juneau Wetlands Management Plan Update

Ms. Camry said the Juneau Wetlands Management Plan would be brought back before the Assembly at the next Lands Committee meeting, and that she would appreciate comments on any areas of the document that need additional information.

Chair Troll asked that individual comments on the Wetlands Management Plan be shared directly with Ms. Camry.

B. CBJ Stream Mapping Project

Ms. McNally said the CBJ streaming mapping project grant had three components: acquisition of aerial imagery and LIDAR; creation and adoption of stream maps; and updating the Juneau Wetland Management Plan.

The City has two stream set back ordinances within Title 49, explained Ms. McNally; one prohibiting development within 50 feet of anadromous waters as designated by the Department of Fish and Game, and the second prohibiting disturbance within 25 feet. Ms. McNally then showed City maps from 1995 that the City was recently working with, and how the stream courses shown on the old maps were inaccurate. Ms. McNally then showed the new LIDAR maps to demonstrate the overlay of the anadromous water catalog. The City also purchased stream modeling software to utilize the LIDAR data, said Ms. McNally. This new information was given to Fish and Game so that the anadromous waters catalogs could be updated, and stream nominations could occur, she said.

Mr. Nankervis pointed out that property owners could become concerned with the inaccuracy of stream courses, and asked why all stream courses are not corrected for accuracy.

Ms. McNally expressed the delays in communication with Fish and Game in getting an answer to this question. She said it could be that if the stream accuracy is close enough, Fish and Game wouldn't go through the trouble nominating the stream. Ms. McNally emphasized that this initial information is important for planners as a first step.

Mr. Nankervis responded that a statewide scale may require more labor than Fish and Game is thinking of doing, but for property owners it could make a big difference.

Chair Troll shared experiences from her Fish background that to get into the anadromous fish catalog, field work is required. Chair Troll said overlays do not get at the same detail as field work does, but that field work takes a lot of budget dollars to verify the presence of anadromous fish.

Ms. McNally said initially the new map streams would be given to Fish and Game so that they could conduct the field work to determine the presence of fish, but the Department was lacking the budget for field biologists. She said the City instead worked on the current AWC streams to correct what the City already had in order to meet the grant requirements. The grant also gives CBJ better GPS data to assist Fish and Game in correcting stream courses.

Mr. Mertl asked if this is an inventory tool to understand what's out there or will this project go further into something else.

Ms. McNally responded that the grant requires draft stream maps. She said the intent is for these to be officially adopted, and then potentially change the stream setback ordinances to give the City more autonomy rather than defer to the AWC catalog so that the City itself could identify streams as anadromous.

Mr. Mertl then asked if this was the first step of an ongoing process and Ms. McNally confirmed it so.

Ms. Becker asked if the development and disturbance fees to protect the streams were state regulations.

Ms. McNally said she was not familiar if the State had a familiar policy, and that she was only familiar with the City's.

Mr. Chaney confirmed that the State does not have a parallel regulation to the City. He said that the State regulates from within the stream bed, but outside the stream bed is a City setback.

Mr. Kiehl noted that the only State regulation he was familiar with was the logging requirement under the State's Forest Practices Act. He wanted to know what it would look like if the City did change the ordinance to have autonomy over anadromous streams instead of deferring to Fish and Game.

Ms. McNally said CDD is in preliminary discussions of what the ordinance would look like as these regulations may stay the same, or the City may go with the AWC. She said the stream models the City has are just along the road system, and it works with the wetland inventory the City already has on CBJ properties. Ms. McNally stated that there are not a lot of AWC streams mapped in those new areas and that it would be beneficial to determine anadromous waters. She doesn't know how it looks yet, but did not want to commit CDD to anything as of yet.

Mr. Kiehl stated that it might be the greatest public benefit to look at lands on the backside of Douglas Island where the Lands Department and others are working on a pioneer access, and to identify more of the developable areas as the focus.

Ms. McNally stated it's quite early to address these points.

Chair Troll said that when we look to using this tool to enhance the City's knowledge of where anadromous streams are, it makes sense to start with target areas of development.

Mr. Chaney stated that the City's ordinance is a 50 foot setback from ordinary high waters, and that the maps serve as an early warning. He said that before any project is approved, the City has to measure where ordinary high waters are, regardless of what the maps say, because it's a site specific task.

VI. STAFF REPORTS

Mr. Chaney had a few updates, namely:

- The land trade with the Christ Lutheran Church has been completed, all documents signed, and the plat is being recorded so that there is an access point on Pederson hill. He is currently working with Engineering to get out a Phase 1 Proposal.
- The contract for Renninger subdivision has been awarded to Admiralty Construction. Jackie Street should be completed by mid-summer, and the final plat hearing for that is tomorrow night before the Planning Commission. The plat will be completed before the road is built, making for further conversation on how to dispose of those properties. Density theoretically could be 180 units, but actual units constructed might be less.
- The Land Management Plan is at the Committee of the Whole tomorrow night at the Planning Commission. Lands has met with various groups and attended meetings so the plan has received lots of exposure and comments.
- Lands is gearing up for air quality season with brand new signs.
- Lands met with the S.E.B.I.A. Homebuilders Association about Pederson Hill Subdivision, and they are excited about Lands moving forward with it.

Chair Troll wanted to know if developers are excited with the City moving the subdivision forward or if developers see it as an opportunity for the City to dispose of land that developers then take over.

Mr. Chaney stated that the group is comprised of homebuilders, and that one of the biggest problems they have is with the supply of vacant properties. The development Lands is proposing for Pederson Hill provides vacant lots to develop, so the developers are excited that they will get to build houses.

Mr. Nankervis asked what the worst case scenario could be for the amount of units in the Renninger Subdivision. Mr. Chaney responded that it could be zero since someone has to decide to build the project. Lands has had a lot of interest from the managers of Gruening Park, PRAMA, and the High school Homebuilders. It could be 0, or 180 if they max out potential. Mr. Nankervis asked if the Renninger Subdivision

is comprised of 12 lots, and Mr. Chaney responded that there are 7 lots with each being roughly an acre (or more) set up for multi-family development.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

There were no liaison reports.

VIII. ADJOURNMENT

The meeting was adjourned at 5:25pm

DRAFT