Agenda

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

February 24, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- **A.** January 27, 2015 Regular Planning Commission Meeting
- **B.** January 27, 2015 Planning Commission Committee of the Whole Meeting

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

- **A.** SMF2015 0001

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

PLANNING COMMISSION
Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman

January 27, 2015

I. ROLL CALL

Mike Satre, 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 7:07 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine (telephonically), Nicole Grewe, Gordon Jackson, Dan Miller, Paul Voelckers

Commissioners absent: Ben Haight

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner I; Chrissy McNally, Planner I; Allison Eddins, Planner I

II. APPROVAL OF MINUTES

- November 25, 2014 – Regular Planning Commission Meeting
- December 16, 2014 – Committee of the Whole Meeting
- December 16, 2014 – Special Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the November 25, 2014, Regular Planning Commission meeting minutes, and the December 16, 2014, Committee of the Whole and Special Planning Commission meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Loren Jones reported that the Assembly has formed a committee to look at the various issues connected with the Marijuana Initiative in terms of zoning. There will be three members of the Planning Commission on that committee, said Mr. Jones. The smoking ordinance in light of the Marijuana Initiative will come before the Assembly at its February 2, (2015) meeting, said Mr. Jones.

The Law Department is also drafting another ordinance which defines "public", which the Assembly deems necessary before the Marijuana Initiative comes into effect on February 24, (2015) said Mr. Jones.

The passenger fee proposals were released by the City Manager today, said Mr. Jones. Those proposals are available for public comment until February 17, (2015) said Mr. Jones. Those proposals can be located on the city website under "Manager's Office".

On Monday the Assembly was presented with a draft CIP (Capital Improvement Project) ordinance for 2016 by the Public Works and Facilities committee, said Mr. Jones.

The ordinance on the Hidden Valley remote subdivision will be before the Assembly on February 2, (2015) said Mr. Jones.

The Assembly was given another presentation on biosolids at its Committee of the Whole meeting on Monday, (February 26, 2015) said Mr. Jones. Included in that presentation were also the minutes from the last Commission meeting when the issue of biosolids was covered, he added. The result of Monday's meeting was to give the Public Works Department the approval to start assessing equipment and manufacturers, prices and technical specifications, with monthly reports on their progress, said Mr. Jones. Those specifications would provide the groundwork for an RFP should the Assembly decide to actually purchase the biosolids equipment, he noted. That RFP would not be going out until August or September, (2015) said Mr. Jones.

The Committee of the Whole also heard an update on the West Douglas Road, and approved the statement of purpose as presented by the Engineering Department, which will be entered into the Army Corps of Engineers permit, said Mr. Jones.

The Juneau Economic Development Innovation Summit is taking place in Juneau this Wednesday and Thursday (January 28, and 29, 2015), noted Mr. Jones.

The Assembly conducted its retreat on January 14, (2015) said Mr. Jones, to align its priorities for the year. The Assembly identified its top seven priorities for the year, he said. Those priorities are:

- ✓ More housing affordability and availability
- ✓ Childcare
- ✓ Downtown Revitalization action strategy including Gastineau apartments
- ✓ Biosolids
- ✓ West Douglas Road extension
- ✓ Marijuana initiative implementation
- ✓ Transit improvements and decisions

Mr. Voelckers asked if the dates of August or September for a possible RFP for the biosolids included a site selection for the facility.

Mr. Jones said he did not know if a site would necessarily be selected by those dates but that he thought that it was highly probable. He did not recall specific instructions being given for consideration of a third site, said Mr. Jones.

Mr. Watson said he was glad to see that the Committee addressed the explosives concern on the Hidden Valley development.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

Mr. Voelckers asked that AME2014 0011 (Amend Ordinance 2014-32 Wireless Communication Facilities for consistency with new Federal changes) be pulled from the Consent Agenda and that the staff review this for the Commission. *(See below Consideration of Ordinances and Resolutions)*

~~AME2014 0011: Amend Ordinance 2014-32 Wireless Communication Facilities for consistency with new Federal changes.~~
~~Applicant: City and Borough of Juneau~~
~~Location: Borough-wide~~

~~**Staff Recommendation**~~
~~Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends that the Assembly approve this ordinance amendment.~~

USE2014 0017: Conditional Use to allow a bed and breakfast in the D-1 zoning district.
Applicant: Russell & Gretchen Powers
Location: 10497 Fox Farm Trail

Staff Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 4 bedroom bed and breakfast in the D-1 zoning district.

USE2014 0018:	Conditional Use Permit to allow up to 12 children in a residence in the D-5 zoning district.
Applicant:	Brandon & Carolina Hoff
Location:	8595 Marilyn Avenue

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings, and grant the requested Conditional Use permit. The permit would allow the development of a child care facility for up to 12 children in a residence in the D5 zoning district.

VAR2014 0027:	A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.
Applicant:	Tyler Rental, Inc.
Location:	5275 Glacier Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0027. The Variance permit would allow for a reduction to the street-side yard setback from 10 feet to 9 feet for an addition to the Tyler Rental, Inc. business in the Lemon Creek area.

VAR2014 0028:	Variance request to allow driveway to encroach into required Planned Unit Development perimeter buffer.
Applicant:	Corvus Design
Location:	5405 N. Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and APPROVE the requested Variance, VAR2014 0028. The Variance permit would allow for the driveway to encroach into required 25 foot Planned Unit Development perimeter buffer.

MOTION: *by Mr. Miller, to approve items USE2014 0017, USE2014 0018, VAR2014 0027 and VAR2014 0028 on the amended Consent Agenda as read with staff's findings, analyses, recommendations and conditions.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

AME2014 0011:	Amend Ordinance 2014-32 Wireless Communication Facilities for consistency with new Federal changes.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendation
Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends that the Assembly approve this ordinance amendment.

Mr. Voelckers said he did not feel the Commission would be doing its due diligence if it did not review all of the changes in the ordinance. He noted there appeared to be many changes which the Commission has not yet had time to review.

Chairman Satre concurred with Mr. Voelckers, saying this was a fair point, and that the Commission has not had time to consider this.

Mr. Feldt responded that unfortunately the CDD has only been supplied with changes as a result of the FCC amendment. They do not have the entire ordinance at this juncture, said Mr. Feldt, with which to compare the amendment.

Mr. Voelckers said that he has not had a chance to read any of the pages of the document supplied to the Commission for this evening's meeting. He said if there was not a specific time limit that he would appreciate having time to read the material before acting upon it at this evening's meeting.

The changes to the ordinance are mandated by the FCC, said Ms. McKibben. There is a deadline coming up which must be met by the community, she said. She said it was her understanding that the community has no control over the changes which must be written into the ordinance.

Chairman Satre said the Commission still has an obligation to ensure that they do not go above and beyond those requirements, and that the intent as approved by the Commission and the Assembly is maintained.

MOTION: *by Ms. Grewe, that AME2014 0011 be tabled until the next regular Planning Commission meeting on February 10, (2015).*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA - None

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Planning Commission Committee Assignments:

Wetlands Review Board
- Two members
- Meet once per month on the 3rd Thursday
- Members: Dan Miller, Ben Haight

Subdivision Review Committee
- Four members
- Meetings upon request of CDD Planner as applications are received
- Members: Paul Voelckers, Chair; Dennis Watson, Michael LeVine, Gordon Jackson, Dan Miller (alternate)

Public Works & Facilities Committee Liaison
- One member
- Meets Mondays, as scheduled by the CBJ Engineering Department
- Liaison: Dennis Watson

Lands Committee Liaison
- One member
- Meets Mondays, as scheduled by the CBJ Lands and Resources Department
- Liaison: Bill Peters

Title 49 Committee
- Four members
- Meetings upon request of CDD Planner
- Members: Nicole Grewe, Chair; Bill Peters, Michael LeVine, Paul Voelckers, Gordon Jackson (alternate)

Juneau Commission on Sustainability
- One Member
- Regular meetings 2nd Wednesday of each month
- Work sessions 4th Wednesday of each month
- Member: Ben Haight

Marijuana Task Force
- Three Members
- Bill Peters, Gordon Jackson, Mike Satre

XII. DIRECTOR'S REPORT

There are currently four groups looking at about 150 housing units for construction, said Mr. Hart, including 18 more units slated for Coogan construction, he added. The seven additional

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housing units approved in the post office building in Auke Bay are currently under construction, said Mr. Hart.

The Planning Department will be sponsoring its third annual Builder's Forum in about four weeks, which is its outreach to the real estate community, said Ms. McKibben.

The joint Assembly and Commission meeting is scheduled for March 10, (2015) said Ms. McKibben. This is currently a tentative date.

There is a Committee of the Whole meeting for review of the Auke Bay Area Plan scheduled for February 10, (2015) said Ms. McKibben.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Title 49 Committee
Ms. Grewe said the Title 49 Committee met this evening with the Historic District committee members. They discussed enforcing a sign ordinance, and moved to forward language regarding enforcement to the full Planning Commission.

Public Works and Facilities Committee
Rory Watt will be in charge of the Public Works Department, said Mr. Watson. Utilities will be merging into one department, said Mr. Watson. They are still working on the Transit Plan, he said.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers asked how long Cordova Street could continue to bear the brunt of the traffic onto Douglas Highway and if there were any alternatives.

There have been a couple of traffic impact analysis studies performed because of Coogan's property at the top of the Hill, said Ms. McKibben. She added that in general an interesting fact about Juneau traffic is that the traffic counts have been dropping over the years pretty steadily since 2008. Ms. McKibben said the real problem is not at the roundabout on Douglas but at the 10th and Egan intersection.

Mr. Jackson said he felt it would be a good idea for Commission members' absence at meetings to be noted if it was due to illness. He said he felt the Planning Commission is one of the most professional commissions that he has sat on in his career.

Mr. Watson wanted to remind the staff that the anniversary date was rolling around for updating the Comprehensive Plan.

XV. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

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MINUTES

Planning Commission
COMMITTEE OF THE WHOLE
City and Borough of Juneau
Mike Satre, Chairman

January 27, 2015

I. ROLL CALL

Mike Satre, 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 6:04 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine (telephonically), Nicole Grewe, Gordon Jackson, Dan Miller, Paul Voelckers

Commissioners absent: Ben Haight

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Teri Camery, Senior Planner; Allison Eddins, Planner I; Chrissy McNally, Planner I; Jonathan Lange, Planner I; Tim Felstead, Planner I; Eric Feldt, Planner II, Beth McEwen, Deputy Clerk; Amy Mead, City Attorney

II. REGULAR AGENDA

CBJ Boards and Commission Training by Deputy City Clerk, Beth McEwen, and City Attorney, Amy Mead.

The Basics
Ms. McEwen provided a brief overview of the CBJ website. A quick link selection from the CBJ homepage can provide access to the Boards link, said Ms. McEwen. This is the gateway to all board and commission fact sheets and web pages, she added. This page provides information both for new board members and existing board members, said Ms. McEwen, such as public finance disclosure forms which need to be filled out by new members and renewed by members on an annual basis and Rules of Procedure for reference.

Quorum

Ms. McEwen said that sometimes the question of a quorum and when business can or cannot be conducted is not clear. Whatever constitutes a quorum of the particular board or commission, said Ms. McEwen, or subcommittee of that board or commission, is required for the meeting to be held. Whether the seats are filled or vacant, said Ms. McEwen, a quorum based upon the full membership is required in order for business to be conducted. If a member has a conflict of interest, said Ms. McEwen, then the number can be reduced by the number of members who are excluded due to a conflict of interest.

Ms. Mead clarified that if there are two or more members excused from deliberations due to a conflict of interest then the quorum would be reduced to four members. If the members were not excused the quorum would remain at five members, she stated.
Since this information differed from previous legal interpretation from the legal department, Ms. Mead said she would give the Commission a more definitive answer by its next meeting on this question.

Mr. Miller asked how the quorum would be affected at the forthcoming meeting in two weeks if two Commission members had stepped down due to a conflict of interest, and in addition several Commission members were absent from the meeting.

Ms. McEwen stated that aside from conflict of interest, the absent Commission members would have no effect on the quorum because the quorum was based upon the number of Planning Commission positions, not how many seats happened to be filled that particular evening at the meeting.

If a quorum is not present at the Commission meeting or at one of the subcommittee meetings, then the only business that can be transacted is to set the next meeting date and adjourn, said Ms. McEwen.

Title 49 and the Charter define the role of the Planning Commission, said Ms. McEwen. The conflict of interest code and the appeal code (01.50) are both important for Commission members to become familiar with, said Ms. McEwen. When considering anything that may be under appeal or has the potential of being under appeal, said Ms. McEwen, that section of the code is important.

Conflict of Interest

Commission members as defined by code are all municipal officers, said Ms. Mead. As municipal officers Commission members may not use their positions to gain any benefit, she said. They may not vote or deliberate on any matter in which they or any family member have any personal or financial interest, she said. If a Commission member think they may have a conflict said Ms. Mead, the best course of action would be to contact her office, she said. This would provide the Commission member with some measure of freedom from personal liability, she said.

If a Commission member thinks they have a conflict, they need to disclose publicly that they think they may have a conflict, and excuse themselves from deliberation, she said.

Mr. Voelckers asked for clarification on the distinction drawn between a conflict involved with a nonprofit entity and a for-profit entity.

Ms. Mead said the code reads that a fiduciary duty to a nonprofit organization does not constitute a personal interest on the part of a Commission member.

Mr. Miller asked if it was necessary to leave the meeting room when a Commission member stepped down due to conflict of interest.

Ms. Mead responded that this was not necessary unless the mere sight of the Commission member who stepped down influenced the decision-making process of the Commission.

Ms. McKibben asked if a person who stepped down due to a conflict of interest could testify on the issue.

Ms. Mead responded if a Commission member stepped down due to a conflict of interest in the matter they hold the same rights as any other member of the public.

Open Meetings Act
As an advisory body any prearranged meeting for the purpose of discussing any matter that body is empowered to discuss and then advise on is a meeting, said Ms. Mead. Three Commission members accidentally meeting at a coffee shop is not in violation of the Open Meetings Act, said Ms. Mead. Three members planning to get together to discuss a particular item of municipal business is in violation of the Open Meetings Act, she said. Discussions through email are also in violation of the Open Meetings Act, said Ms. Mead.

Executive sessions outside of the appeal process need to be publicly noticed, said Ms. Mead, and no official action may be taken during executive session, she said. That does not apply when the Commission sits in its quasi-judicial role, she said.

Public Records Act
The Public Records Act is based upon state statute, said Ms. Mead, and it is based upon the premise that all records held by public organizations are open to inspection by the public. If Commission members use their personal computing devices to conduct public business, then those communications on those personal devices are potentially public records, she said.

Mr. Levine asked if Commission members had any duty to retain information or documents they may have received on their personal devices.

Ms. Mead responded that they did not have any duty to retain that information, and that it was retained by the municipality.

Quasi-Judicial Role
When the Commission is sitting as a judge its role is to resolve the dispute between several sides, said Ms. Mead. It is important that Commission members not have a discussion with one side when not in the presence of the other side, she said.

The written findings of the Commission provide the legislative history of what then forms the basis of the legislation, said Ms. Mead. Conversely, said Ms. Mead, written findings are also important as the record for appeals, she said.

Ms. McEwen stressed that as a matter of record it is very important that minutes are taken for all meetings including advisory boards and committees. Depending upon the type of meeting the minutes do not have to be extensive, said Ms. McEwen, but it is important that some record of the proceedings be maintained, she said. The municipality's audio record of meetings are only maintained for five years, said Ms. McEwen.

Ordinance Process
They would like to streamline the ordinance process, said Ms. Mead, so that CDD staff and the law department worked together in drafting the ordinance. Therefore when it came before the Commission for review, said Ms. Mead, it would already be a version that the legal department had signed off on, she said.

III. OTHER BUSINESS - None

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

V. ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

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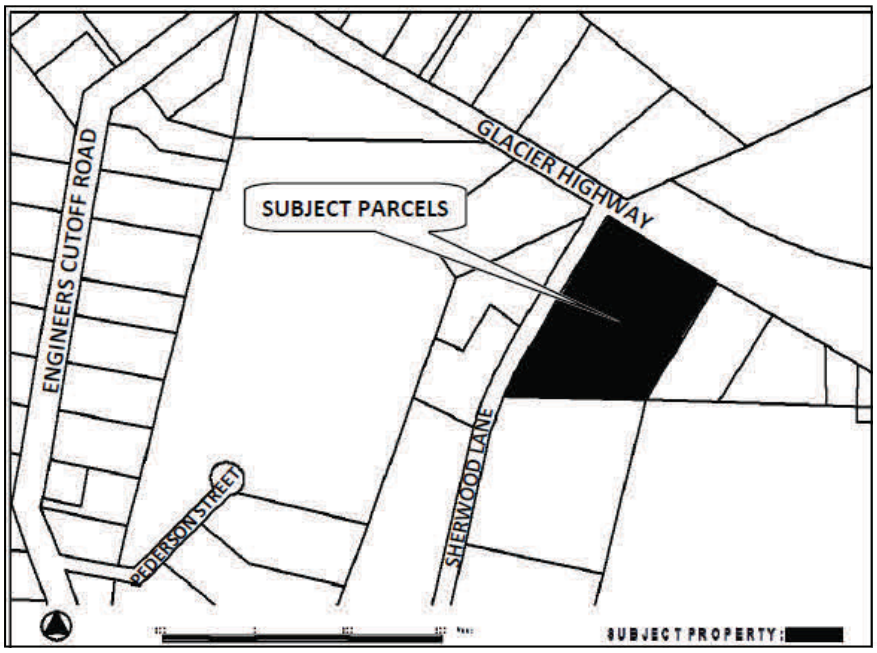
NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: A Plat Amendment review for ANDSOH Subdivision, a Major Subdivision with 9 lots.

File No:	SMF2015 0001	Applicant:	John Armstrong
To:	Adjacent Property Owners	Property PCN:	Multiple
Hearing Date:	February 24, 2015	Owner:	ANDSOH Associates, LLC
Hearing Time:	7:00 PM	Size:	5.48 Acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	2767 Sherwood Lane
	155 South Seward Street	Accessed Via:	Sherwood Lane
	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.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: January 30, 2015

Community Development

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

DATE: February 9, 2015

TO: Planning Commission

FROM: Jonathan Lange, Planner
Community Development Department

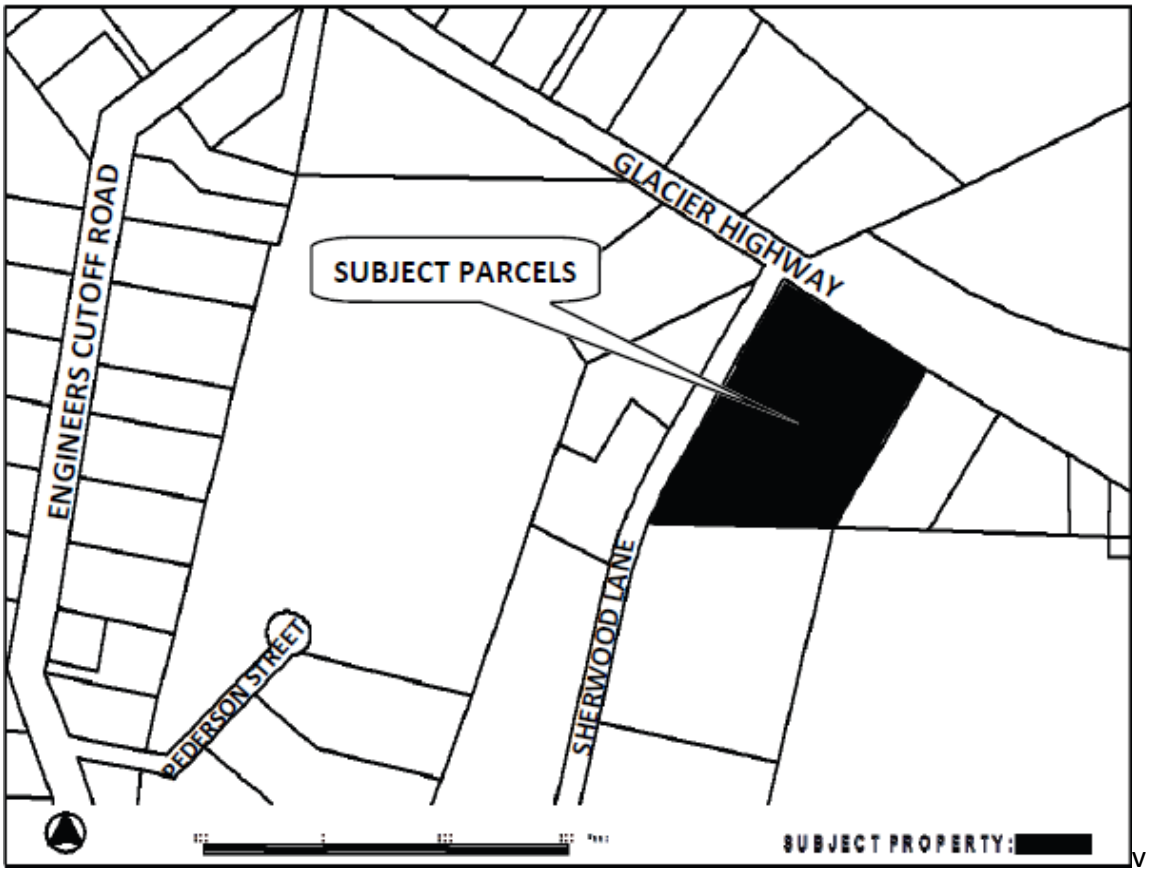
FILE NO.: SMF2015 0001

PROPOSAL: A Plat Amendment review for ANDSOH Subdivision, a Major Subdivision with 9 lots.

GENERAL INFORMATION

Applicant:	John Armstrong
Property Owner:	ANDSOH Associates, LLC
Legal Description:	ANDSOH Subdivision Lots 1 - 9
Parcel Code No.:	4-B17-0-110-014-1 through 014-9
Site Size:	5.48 acres or 238,708.8 square feet
Comprehensive Plan Future Land Use Designation:	HI – Heavy Industrial
Zoning:	I - Industrial
Utilities:	City water and sewer
Access:	Sherwood Lane
Existing Land Use:	Vacant
Surrounding Land Use:	North – D-10; Across Glacier Highway, Christ Evangelical Lutheran Church Northeast – D-5; Across Glacier Highway, Vacant South – I; Hagevig Regional Fire Training Center, CBJ Fire Station East – I; Commercial Miscellaneous West – I; Commercial Offices/Dept. of Public Safety

VICINTY MAP



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ATTACHMENTS

Attachment A – Major Subdivision and Development Permit Applications
Attachment B – Proposed Plat with Amendments and ANDSOH Subdivision (SMF2014 0002) – Plat # 2014-54
Attachment C – Proposed Plat and Previous Plat with Highlighted Changes
Attachment D – Notice of Decision for SMP2014 0001 and SMF2014 0002
Attachment E – Agency and Internal Review Comments
Attachment F – Site Pictures
Attachment G – Public Notice

PROJECT DESCRIPTION

The proposal is to amend the Major Subdivision Plat for ANDSOH Subdivision which includes moving one Access and Utility Easement, reducing the width of both easements and removing the "No Disturbance/No Build" note and the anadromous stream setbacks from the face of the plat so that in the future, if setbacks are varied or setback regulations change, the applicant or owner would not have to amend the plat each time.

BACKGROUND

The existing 9 lots, at the southeast corner of Sherwood Lane and Glacier Highway, were created in December 2014 under Plat #2014-54, ANDSOH Subdivision. This was created from 3 lots platted in 1969 under Plat #537 for Sherwood Estates, a fraction of U.S. Survey No. 1041, 11 miles northwest of downtown Juneau, Alaska. The lots have been used throughout the years for various industrial uses, such as top soil screening and equipment storage. Due to previously existing lot lines and an anadromous stream running through the properties, the applicant proposed creating smaller industrial property in which small business opportunities could be created.

The applicant has stated that the lots were filled in 1983 or 1984. Due to wetlands and the anadromous stream on the properties, a culvert was installed to provide access to Lots 2 and 3 from Sherwood Lane through Lots 1 and 4.

The Planning Commission at their March 25, 2014 Regular meeting approved, with conditions, the Preliminary Plat for ANDSOH Subdivision – SMP2014 0001 (see Attachment D, Notice of Decision). At the July 8, 2014 regular Planning Commission meeting, the Commission approved the Final Plat of ANDSOH Subdivision – SMF2014 0002 (see Attachment D, Notice of Decision and Attachment C, Plat).

PROPOSED AMENDMENTS AND ANALYSIS

1) Relocate Access and Utility Easement –

The applicant is proposing to relocate the Access and Utility Easement for Lots 5, 7, 8, and 9 by moving the easement north 25 feet. This would place the Access and Utility Easement at the edge of the currently developed portion of the property and where the applicant proposes to locate the road for access to Lots 5, 7, 8, and 9 (see Attachment F for site pictures).

Analysis

Setbacks from the creek were shown on the previous plat (see Attachment C). The access easement on the southern proposed lots 7, 8, and 9 through lot 5 was setback 50 feet from the creek. At the time of review for the Preliminary and Final Plat for ANDSOH Major Subdivision, it was the understanding of staff and the Planning Commission that the edge of fill south of the creek was at 50 feet from the creek. The applicant has had the setbacks staked (see Attachment F), and the edge of the current fill is at or near the 25 foot setback from the creek.

Staff recommends that the Access and Utility Easement shall remain as it was on the previous plat, at 50 feet from the creek. Any upgrade, utility installation, paving, or grading for lots 5, 7, 8, and 9 will be required to meet the 50 foot no development setback.

Staff recommends, as a condition of approval of the previous Final Plat, and as a condition of approval of the new Final Plat, that prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback (see condition #4 on SMP2014 0001 Notice of Decision, Attachment D).

2) Reduce Width of Access and Utility Easements –

The applicant is proposing to reduce the width of the Access and Utility Easements on the plat, from 30 feet to 20 feet. This would provide for the required 20 foot width for Fire Service access and would provide the easement area for the utilities to be provided for Lots 2, 3, 7, 8, and 9, while allowing for more developable space for the lots with the easements.

Analysis

Reduction of the Access and Utility Easements from 30 feet to 20 feet would provide for the required width for access or driveways per the International Fire Code for fire apparatus and would provide for the space for the utilities to be placed in the easement and meet installation requirements.

3) Remove “No Disturbance/No Build” Plat Note –

The Plat Amendment also proposes taking the “No Disturbance/ No Build” plat note off of the plat. This note was in reference to the setbacks on the plat, which are mentioned below.

Analysis

Habitat- Pederson Hill Creek is a cataloged anadromous water body and development along it is subject to habitat setbacks in CBJ Title 49.70.310(a) and (b), as well as at CBJ 49.70.950(f).

> 49.70.310 Habitat.
> (a)Development in the following areas is prohibited:
> (4)Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
> (b)In addition to the above requirements there shall be no disturbance in the following areas:
> (1)Within 25 feet of stream designated in Appendix B of the Comprehensive Plan of the City and Borough of Juneau, 2013 Update; and
>
> 49.70.950 Habitat.
> (f) All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-feet setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt from the setback requirement. The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream.

The existing "Anadromous Stream Note" that is on the plat is adequate for the enforcement of the stream setbacks required from anadromous streams.

4) Remove Anadromous Stream Setbacks from Plat –

Finally, the Plat Amendment proposes removing the anadromous stream setbacks from the face of the plat, on the parcels themselves.

Analysis

The stream setbacks are already referenced by the "Anadromous Stream Note" on the face of the plat. In the future if the stream changed course, was put in a culvert, if setback regulations change, or a variance was applied and allowed for the stream setback, the face of the plat would have to be amended each time if the setbacks remained on the plat.

Any upgrade, paving, or grading for lots 5, 7, 8, and 9 will be required to meet the 50 foot no development setback. Staff recommended and the Planning Commission approved, as a condition of approval of the previous Final Plat, that prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback (see condition #4 on SMP2014 0001 Notice of Decision, Attachment D).

Conformity with Adopted Plans

The subject parcel is located in a Heavy Industrial (HI) land use category of the 2013 Comprehensive Plan. This category is defined below:

> Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrications; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.

No uses are proposed at this time, though the proposed lots would be adequate for industrial uses.

The subject parcel also falls within Subarea 3 Auke Bay, Mendenhall Peninsula, and West Mendenhall Valley, which provides specific Guidelines and Considerations. The following is relevant to the proposal.

> Pederson Hill Creek (aka Casa Del Sol Creek) is listed as an impaired water body by the Alaska Department of Environmental Conservation (DEC) and, therefore, careful review of future development proposals that could affect the volume, velocity, cleanliness, and overall water quality of this creek and its watershed and tributaries is warranted.

By using the “Anadromous Stream Note” and stormwater quality features during drainage, the effect of future development within this subdivision would be minimized. Future drainage, grading and building permits in the proposed subdivision shall be carefully reviewed and shall be required.

The following Comprehensive Plan Policies apply to the proposed subdivision:

> **POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS**

The proposed development will allow for small industrial businesses to be developed on smaller, more affordable industrial lots.

> **POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.**

As stated above, the proposed subdivision would possibly create affordable land for full-time, year-round businesses.

> **POLICY 7.1 TO PROTECT THE REGION'S SCENIC, ENVIRONMENTAL, AND ECONOMICALLY-VALUABLE NATURAL RESOURCES FROM THE ADVERSE IMPACTS OF URBAN DEVELOPMENT. DEVELOPMENT SHALL BE CONTROLLED CAREFULLY AND, IF NECESSARY, PROHIBITED IN NATURALLY HAZARDOUSE AND ECOLOGICALLY-PRODUCTIVE OR SENSITIVE AREAS.**
>
> **POLICY 7.3. TO PROTECT RIPARIAN HABITAT, INCLUDING STREAM CORRIDORS AND LAKE SHORELINES, FROM ADVERSE EFFECTS OF DEVELOPMENT AND TO PROVIDE A HIGHER LEVEL OF PROTECTION FOR NON-URBAN SHORELINES IN PUBLIC OWNERSHIP.**
>
> **7.3 – Development Guideline 1 Rivers, streams, and lakes should be managed so as to protect natural vegetation, water quality, fish or wildlife habitat, and natural water flow.**

As conditioned, the proposed project should not have negative impacts on the existing streams located within the site.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;

3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

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

Per CBJ §49.15.300 (e)(1)(A through C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

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

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The proposed subdivision is appropriate according to the Table of Permissible Uses. The Conditional Use permit is listed at CBJ §49.25.300, Section 25.1 for the I - Industrial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed subdivision complies with the other requirements of this chapter. Public notice of this project was provided in the February 13, 2015 and February 23, 2015 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

4. Will the proposed development materially endanger the public health or safety?

No. As mentioned in the above analysis through improvements the proposed lots will be provided with public water and sewer. The shared access easements/driveways to the proposed lots will be maintained through a joint use and access agreement and shall be accessible by emergency vehicles. With conditions, staff finds that the proposed subdivision will preserve the public health and safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. As mentioned in the analysis above, the proposed subdivision will be consistent with the Industrial zoning district. Staff finds that the proposed subdivision will be in harmony with the neighboring area.

6. Will the proposed development <u>not</u> be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

No. As mentioned in the above analysis, the project is in general conformity with the officially adopted plans of the CBJ.

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

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A – The Juneau Coastal Management Program is not applicable to the proposed development.

<u>RECOMMENDATION</u>

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Plat Amendment. Staff further recommends that the approval be subject to the following conditions:

1. Prior to recording of the proposed Plat Amendment, the Access and Utility Easement for Lots 5, 7, 8, and 9 must be moved south to 50 feet from the anadromous stream.

2. Prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback.

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 1130115
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description: PLAT MODIFICATION

PROPERTY LOCATION

Street Address	City/Zip
2767 SHERWOOD LANE	JUNEAU, AK 99801

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

Assessor's Parcel Number(s): 4B1701100141, 4B1701100142, 4B1701100143, 45, 46, 47, 48, 49

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
JOHN ARMSTRONG	JOHN	
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 35573 Juneau, AK 99803		
E-mail Address	**Other Contact Phone Number(s):**	
cdi@alaska.net	723-4446	

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 _____ Landowner/Lessee Signature — Date: 01-26-15

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	Contact Person:	Work Phone:
Same		
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X _____ Applicant's Signature — Date of Application

STAFF APPROVALS

OFFICE USE ONLY BELOW THIS LINE

✓	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)		1130115	SMF 15-001
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: JKL

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

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number	Date Received
		SMF 15-001	1/30/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

- ☐ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Planned Unit Development- Preliminary Plan Approval (PDP)
- ☐ Planned Unit Development - Final Plan Approval (PDF)
- ☒ Other PLAT MODIFICATION

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

LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED:

CHANGE EXISTING 30 FT ACCESS EASEMENTS TO A MIN. 20 FT EASEMENT, ALLOW THE 25 FT NO DEVELOP TO BE USED AS IT WAS DEVELOPED/INTENDED IN 1984

Number of Existing Parcels 9 Total Land Area 5.5 ACRES Number of Resulting Lots or Parcels _____

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☐ NO

CURRENT USE OF LAND OR BUILDING(S): VACANT LOTS

PROPOSED USE OF LAND OR BUILDING(S): INDUSTRIAL BUILDINGS

UTILITIES AVAILABLE:

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

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

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

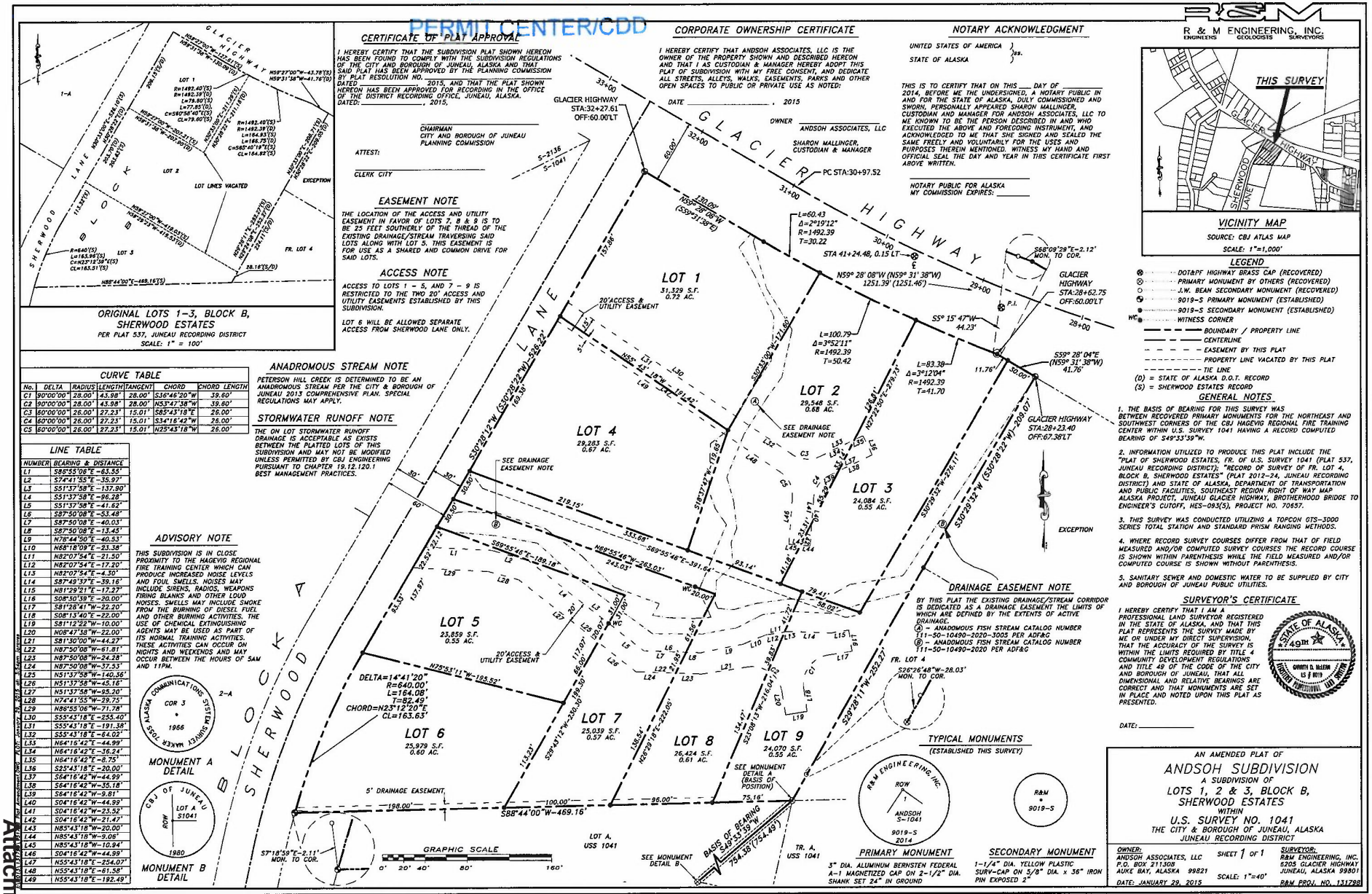
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

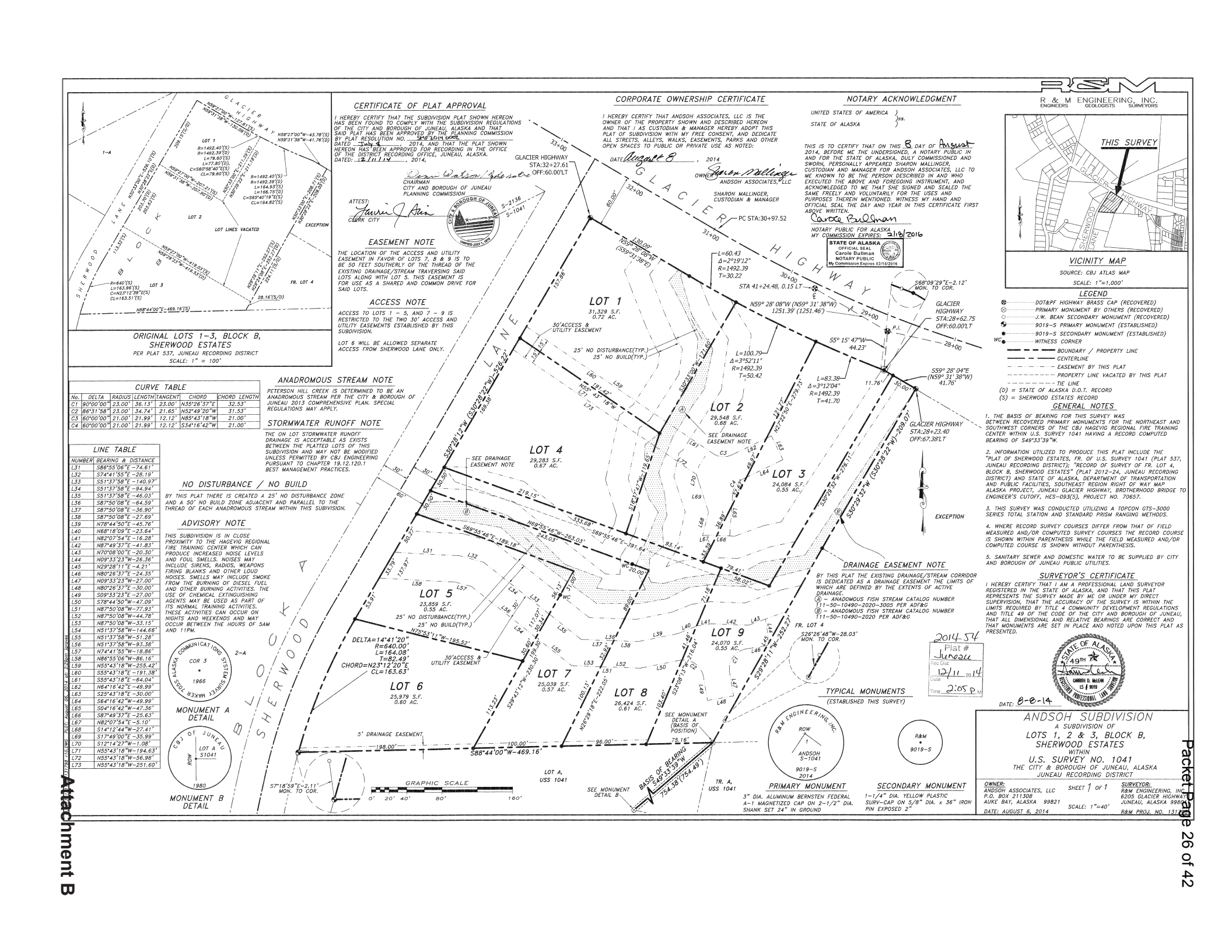
SUBDIVISION/PLATTING/PUD FEES

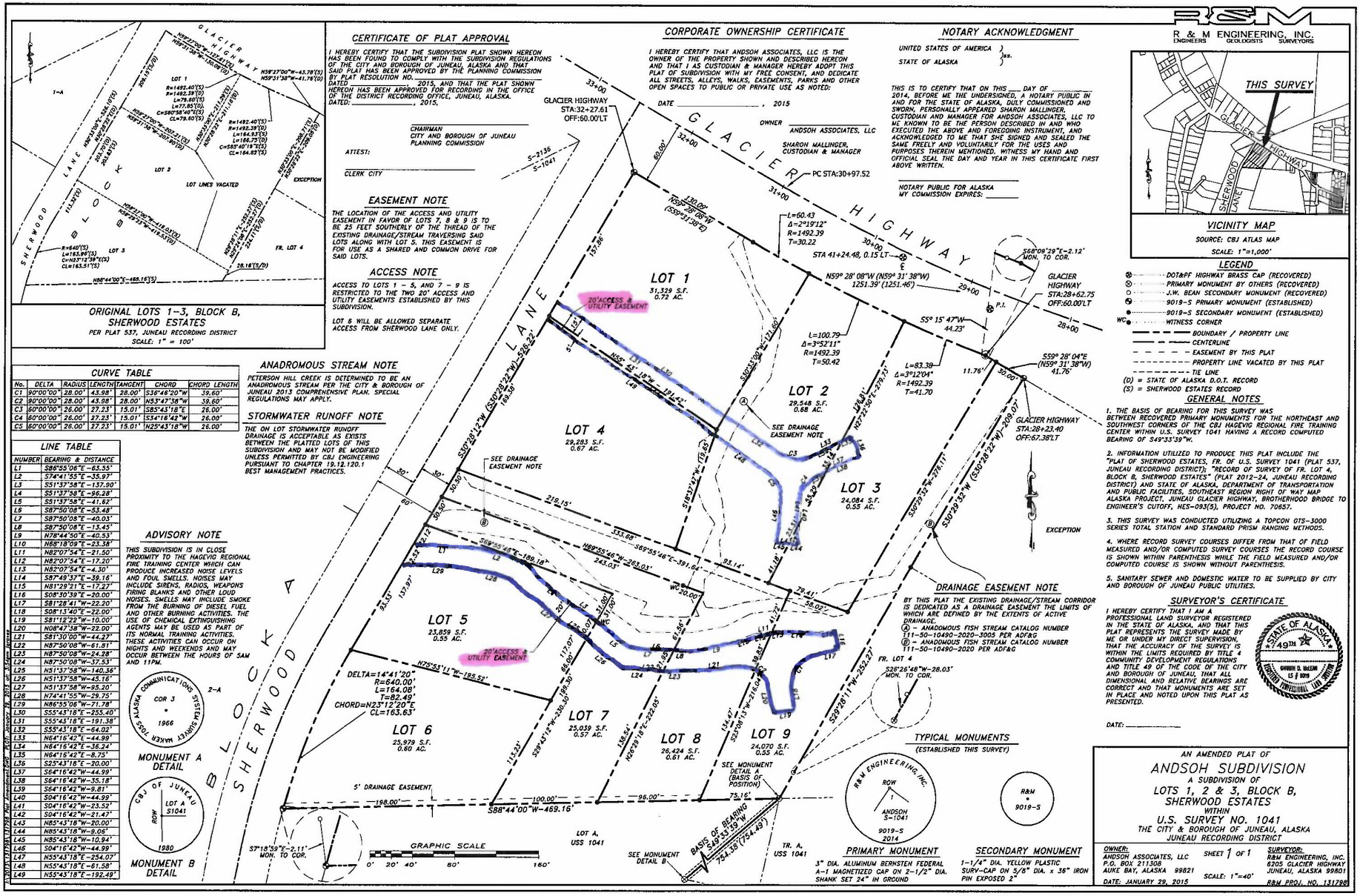
	Fees	Check No.	Receipt	Date
Application Fees	$ 335.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50.00			
Pub. Not. Sign Deposit	$ 100.00			
Total Fee	$ 485.00	10777	CC# 6125	1/30/15

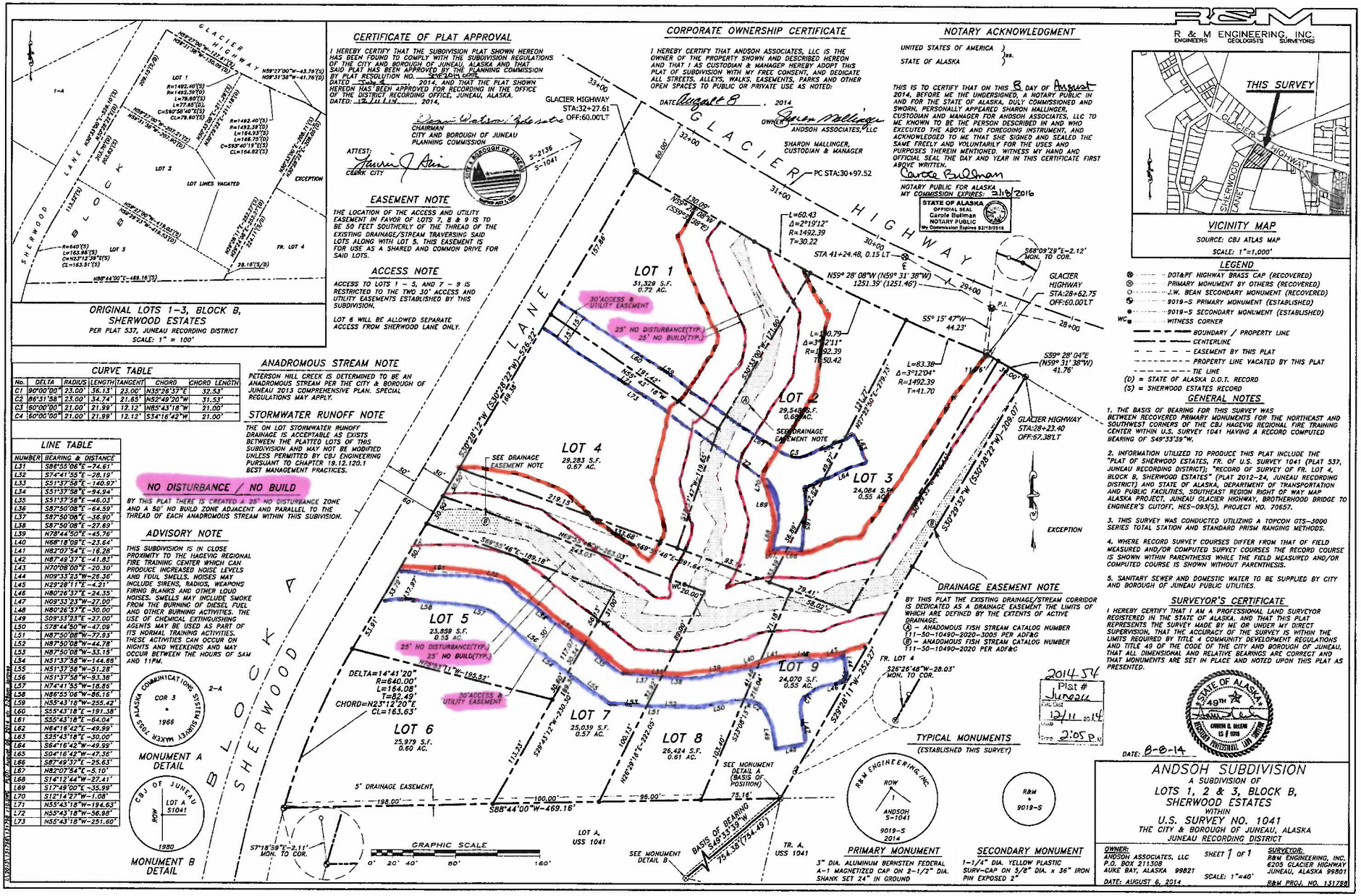
NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

RECEIVED
JAN 30 2015
PERMIT CENTER/CDD




ORIGINAL LOTS 1–3, BLOCK B, SHERWOOD ESTATES
PER PLAT 537, JUNEAU RECORDING DISTRICT
SCALE: 1" = 100'
CERTIFICATE OF PLAT APPROVAL
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. SAE 2014 004.
DATED July 8, 2014, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: 12/11/14, 2014,
CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION
ATTEST:
CLERK CITY
CITY & BOROUGH OF JUNEAU
S-2136
S-1041
EASEMENT NOTE
THE LOCATION OF THE ACCESS AND UTILITY EASEMENT IN FAVOR OF LOTS 7, 8 & 9 IS TO BE 50 FEET SOUTHERLY OF THE THREAD OF THE EXISTING DRAINAGE/STREAM TRAVERSING SAID LOTS ALONG WITH LOT 5. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON DRIVE FOR SAID LOTS.
ACCESS NOTE
ACCESS TO LOTS 1 – 5, AND 7 – 9 IS RESTRICTED TO THE TWO 30' ACCESS AND UTILITY EASEMENTS ESTABLISHED BY THIS SUBDIVISION.
LOT 6 WILL BE ALLOWED SEPARATE ACCESS FROM SHERWOOD LANE ONLY.
CORPORATE OWNERSHIP CERTIFICATE
I HEREBY CERTIFY THAT ANDSOH ASSOCIATES, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS CUSTODIAN & MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, EASEMENTS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:
DATE August 8, 2014
OWNER
ANDSOH ASSOCIATES, LLC
SHARON MALLINGER, CUSTODIAN & MANAGER
NOTARY ACKNOWLEDGMENT
UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }
THIS IS TO CERTIFY THAT ON THIS 8 DAY OF August 2014, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED SHARON MALLINGER, CUSTODIAN AND MANAGER FOR ANDSOH ASSOCIATES, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 2/18/2016
STATE OF ALASKA
OFFICIAL SEAL
Carole Bullman
NOTARY PUBLIC
My Commission Expires 02/18/2016
R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
THIS SURVEY
VICINITY MAP
SOURCE: CBJ ATLAS MAP
SCALE: 1"=1,000'
LEGEND
DOT&PF HIGHWAY BRASS CAP (RECOVERED)
PRIMARY MONUMENT BY OTHERS (RECOVERED)
J.W. BEAN SECONDARY MONUMENT (RECOVERED)
9019–S PRIMARY MONUMENT (ESTABLISHED)
9019–S SECONDARY MONUMENT (ESTABLISHED)
WITNESS CORNER
BOUNDARY / PROPERTY LINE
CENTERLINE
EASEMENT BY THIS PLAT
PROPERTY LINE VACATED BY THIS PLAT
TIE LINE
(D) = STATE OF ALASKA D.O.T. RECORD
(S) = SHERWOOD ESTATES RECORD
GENERAL NOTES
1. THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED PRIMARY MONUMENTS FOR THE NORTHEAST AND SOUTHWEST CORNERS OF THE CBJ HAGEVIG REGIONAL FIRE TRAINING CENTER WITHIN U.S. SURVEY 1041 HAVING A RECORD COMPUTED BEARING OF S49°33'59"W.
2. INFORMATION UTILIZED TO PRODUCE THIS PLAT INCLUDE THE "PLAT OF SHERWOOD ESTATES, FR. OF U.S. SURVEY 1041 (PLAT 537, JUNEAU RECORDING DISTRICT); "RECORD OF SURVEY OF FR. LOT 4, BLOCK B, SHERWOOD ESTATES" (PLAT 2012–24, JUNEAU RECORDING DISTRICT) AND STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, SOUTHEAST REGION RIGHT OF WAY MAP ALASKA PROJECT, JUNEAU GLACIER HIGHWAY, BROTHERHOOD BRIDGE TO ENGINEER'S CUTOFF, HES–093(5), PROJECT NO. 70657.
3. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON GTS–3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS.
4. WHERE RECORD SURVEY COURSES DIFFER FROM THAT OF FIELD MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE FIELD MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
5. SANITARY SEWER AND DOMESTIC WATER TO BE SUPPLIED BY CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.
STATE OF ALASKA
49TH
CARROLL D. McLEAN
LS # 9019
REGISTERED PROFESSIONAL LAND SURVEYOR
DATE: 8-8-14
2014 54
Plat # Juneau
Rec Dist 12/11 2014
Date
Time 2:05 P.M.
CURVE TABLE
No. | DELTA | RADIUS | LENGTH | TANGENT | CHORD | CHORD LENGTH
C1 | 90°00'00" | 23.00' | 36.13' | 23.00' | N35°26'37"E | 32.53'
C2 | 86°31'58" | 23.00' | 34.74' | 21.65' | N52°49'20"W | 31.53'
C3 | 60°00'00" | 21.00' | 21.99' | 12.12' | N85°43'18"W | 21.00'
C4 | 60°00'00" | 21.00' | 21.99' | 12.12' | S34°16'42"W | 21.00'
LINE TABLE
NUMBER | BEARING & DISTANCE
L31 | S86°55'06"E –74.61'
L32 | S74°41'55"E –28.19'
L33 | S51°37'58"E –140.97'
L34 | S51°37'58"E –94.94'
L35 | S51°37'58"E –46.03'
L36 | S87°50'08"E –64.59'
L37 | S87°50'08"E –36.90'
L38 | S87°50'08"E –27.69'
L39 | N78°44'50"E –45.76'
L40 | N68°18'09"E –23.64'
L41 | N82°07'54"E –16.28'
L42 | N87°49'37"E –41.83'
L43 | N70°08'00"E –20.30'
L44 | N09°33'23"W–26.36'
L45 | N29°28'11"E –4.21'
L46 | N80°26'37"E –24.35'
L47 | N09°33'23"W–27.00'
L48 | N80°26'37"E –30.00'
L49 | S09°33'23"E –27.00'
L50 | S78°44'50"W–47.09'
L51 | N87°50'08"W–77.93'
L52 | N87°50'08"W–44.78'
L53 | N87°50'08"W–33.15'
L54 | N51°37'58"W–144.66'
L55 | N51°37'58"W–51.28'
L56 | N51°37'58"W–93.38'
L57 | N74°41'55"W–18.86'
L58 | N86°55'06"W–86.16'
L59 | N55°43'18"W–255.42'
L60 | S55°43'18"E –191.38'
L61 | S55°43'18"E –64.04'
L62 | N64°16'42"E –49.99'
L63 | S25°43'18"E –30.00'
L64 | S64°16'42"W–49.99'
L65 | S04°16'42"W–47.36'
L66 | S87°49'37"E –25.63'
L67 | N82°07'54"E –5.10'
L68 | S14°12'44"W–27.41'
L69 | S17°49'00"E –35.99'
L70 | S12°14'27"W–1.08'
L71 | N55°43'18"W–194.63'
L72 | N55°43'18"W–56.98'
L73 | N55°43'18"W–251.60'
ANADROMOUS STREAM NOTE
PETERSON HILL CREEK IS DETERMINED TO BE AN ANADROMOUS STREAM PER THE CITY & BOROUGH OF JUNEAU 2013 COMPREHENSIVE PLAN. SPECIAL REGULATIONS MAY APPLY.
STORMWATER RUNOFF NOTE
THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
NO DISTURBANCE / NO BUILD
BY THIS PLAT THERE IS CREATED A 25' NO DISTURBANCE ZONE AND A 50' NO BUILD ZONE ADJACENT AND PARALLEL TO THE THREAD OF EACH ANADROMOUS STREAM WITHIN THIS SUBIVISION.
ADVISORY NOTE
THIS SUBDIVISION IS IN CLOSE PROXIMITY TO THE HAGEVIG REGIONAL FIRE TRAINING CENTER WHICH CAN PRODUCE INCREASED NOISE LEVELS AND FOUL SMELLS. NOISES MAY INCLUDE SIRENS, RADIOS, WEAPONS FIRING BLANKS AND OTHER LOUD NOISES. SMELLS MAY INCLUDE SMOKE FROM THE BURNING OF DIESEL FUEL AND OTHER BURNING ACTIVITIES. THE USE OF CHEMICAL EXTINGUISHING AGENTS MAY BE USED AS PART OF ITS NORMAL TRAINING ACTIVITIES. THESE ACTIVITIES CAN OCCUR ON NIGHTS AND WEEKENDS AND MAY OCCUR BETWEEN THE HOURS OF 5AM AND 11PM.
MONUMENT A DETAIL
MONUMENT B DETAIL
DRAINAGE EASEMENT NOTE
BY THIS PLAT THE EXISTING DRAINAGE/STREAM CORRIDOR IS DEDICATED AS A DRAINAGE EASEMENT THE LIMITS OF WHICH ARE DEFINED BY THE EXTENTS OF ACTIVE DRAINAGE.
(A) – ANADOMOUS FISH STREAM CATALOG NUMBER 111–50–10490–2020–3005 PER ADF&G
(B) – ANADOMOUS FISH STREAM CATALOG NUMBER 111–50–10490–2020 PER ADF&G
TYPICAL MONUMENTS (ESTABLISHED THIS SURVEY)
PRIMARY MONUMENT
3" DIA. ALUMINUM BERNSTEN FEDERAL A–1 MAGNETIZED CAP ON 2–1/2" DIA. SHANK SET 24" IN GROUND
SECONDARY MONUMENT
1–1/4" DIA. YELLOW PLASTIC SURV–CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"
ANDSOH SUBDIVISION
A SUBDIVISION OF
LOTS 1, 2 & 3, BLOCK B, SHERWOOD ESTATES
WITHIN
U.S. SURVEY NO. 1041
THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
OWNER: ANDSOH ASSOCIATES, LLC P.O. BOX 211308 AUKE BAY, ALASKA 99821
SURVEYOR: R&M ENGINEERING, INC. 6205 GLACIER HIGHWAY JUNEAU, ALASKA 99801
SHEET 1 OF 1
SCALE: 1"=40'
DATE: AUGUST 6, 2014
R&M PROJ. NO. 1313.00
LOT 1 31,329 S.F. 0.72 AC.
LOT 2 29,548 S.F. 0.68 AC.
LOT 3 24,084 S.F. 0.55 AC.
LOT 4 29,283 S.F. 0.67 AC.
LOT 5 23,859 S.F. 0.55 AC.
LOT 6 25,979 S.F. 0.60 AC.
LOT 7 25,039 S.F. 0.57 AC.
LOT 8 26,424 S.F. 0.61 AC.
LOT 9 24,070 S.F. 0.55 AC.
GLACIER HIGHWAY
SHERWOOD LANE
BLOCK B
LOT A, USS 1041
TR. A, USS 1041
GRAPHIC SCALE
0' 20' 40' 80' 160'
BASIS OF BEARING S49°33'59"W 754.38'(754.49')
S88°44'00"W–469.16'
R&M ENGINEERING, INC. ROW ANDSOH S–1041 9019–S 2014
R&M 9019–S


CERTIFICATE OF PLAT APPROVAL
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. ____ DATED _____, 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: _____, 2015,
CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION
ATTEST:
CLERK CITY
CORPORATE OWNERSHIP CERTIFICATE
I HEREBY CERTIFY THAT ANDSON ASSOCIATES, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS CUSTODIAN & MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, EASEMENTS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:
DATE _____, 2015
OWNER
ANDSOH ASSOCIATES, LLC
SHARON MALLINGER,
CUSTODIAN & MANAGER
NOTARY ACKNOWLEDGMENT
UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)
THIS IS TO CERTIFY THAT ON THIS ____ DAY OF _____ 2014, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED SHARON MALLINGER, CUSTODIAN AND MANAGER FOR ANDSOH ASSOCIATES, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____
R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
THIS SURVEY
GLACIER HIGHWAY
SHERWOOD LANE
VICINITY MAP
SOURCE: CBJ ATLAS MAP
SCALE: 1"=1,000'
LEGEND
DOT&PF HIGHWAY BRASS CAP (RECOVERED)
PRIMARY MONUMENT BY OTHERS (RECOVERED)
J.W. BEAN SECONDARY MONUMENT (RECOVERED)
9019-S PRIMARY MONUMENT (ESTABLISHED)
9019-S SECONDARY MONUMENT (ESTABLISHED)
WITNESS CORNER
BOUNDARY / PROPERTY LINE
CENTERLINE
EASEMENT BY THIS PLAT
PROPERTY LINE VACATED BY THIS PLAT
TIE LINE
(D) = STATE OF ALASKA D.O.T. RECORD
(S) = SHERWOOD ESTATES RECORD
ORIGINAL LOTS 1-3, BLOCK B, SHERWOOD ESTATES
PER PLAT 537, JUNEAU RECORDING DISTRICT
SCALE: 1" = 100'
EASEMENT NOTE
THE LOCATION OF THE ACCESS AND UTILITY EASEMENT IN FAVOR OF LOTS 7, 8 & 9 IS TO BE 25 FEET SOUTHERLY OF THE THREAD OF THE EXISTING DRAINAGE/STREAM TRAVERSING SAID LOTS ALONG WITH LOT 5. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON DRIVE FOR SAID LOTS.
ACCESS NOTE
ACCESS TO LOTS 1 - 5, AND 7 - 9 IS RESTRICTED TO THE TWO 20' ACCESS AND UTILITY EASEMENTS ESTABLISHED BY THIS SUBDIVISION.
LOT 6 WILL BE ALLOWED SEPARATE ACCESS FROM SHERWOOD LANE ONLY.
ANADROMOUS STREAM NOTE
PETERSON HILL CREEK IS DETERMINED TO BE AN ANADROMOUS STREAM PER THE CITY & BOROUGH OF JUNEAU 2013 COMPREHENSIVE PLAN. SPECIAL REGULATIONS MAY APPLY.
STORMWATER RUNOFF NOTE
THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
ADVISORY NOTE
THIS SUBDIVISION IS IN CLOSE PROXIMITY TO THE HAGEVIG REGIONAL FIRE TRAINING CENTER WHICH CAN PRODUCE INCREASED NOISE LEVELS AND FOUL SMELLS. NOISES MAY INCLUDE SIRENS, RADIOS, WEAPONS FIRING BLANKS AND OTHER LOUD NOISES. SMELLS MAY INCLUDE SMOKE FROM THE BURNING OF DIESEL FUEL AND OTHER BURNING ACTIVITIES. THE USE OF CHEMICAL EXTINGUISHING AGENTS MAY BE USED AS PART OF ITS NORMAL TRAINING ACTIVITIES. THESE ACTIVITIES CAN OCCUR ON NIGHTS AND WEEKENDS AND MAY OCCUR BETWEEN THE HOURS OF 5AM AND 11PM.
CURVE TABLE
No. | DELTA | RADIUS | LENGTH | TANGENT | CHORD | CHORD LENGTH
C1 | 90°00'00" | 28.00' | 43.98' | 28.00' | S36°46'20"W | 39.60'
C2 | 90°00'00" | 28.00' | 43.98' | 28.00' | N53°47'38"W | 39.60'
C3 | 60°00'00" | 26.00' | 27.23' | 15.01' | S85°43'18"E | 26.00'
C4 | 60°00'00" | 26.00' | 27.23' | 15.01' | S34°16'42"W | 26.00'
C5 | 60°00'00" | 26.00' | 27.23' | 15.01' | N25°43'18"W | 26.00'
LINE TABLE
NUMBER | BEARING & DISTANCE
L1 | S86°55'06"E -63.55'
L2 | S74°41'55"E -35.97'
L3 | S51°37'58"E -137.90'
L4 | S51°37'58"E -96.28'
L5 | S81°37'58"E -41.62'
L6 | S87°50'08"E -53.48'
L7 | S87°50'08"E -40.03'
L8 | S87°50'08"E -13.45'
L9 | N78°44'50"E -40.53'
L10 | N68°18'09"E -23.38'
L11 | N82°07'54"E -21.50'
L12 | N82°07'54"E -17.20'
L13 | N82°07'54"E -4.30'
L14 | S87°49'37"E -39.16'
L15 | N81°29'21"E -17.27'
L16 | S08°30'39"E -20.00'
L17 | S81°28'41"W -22.20'
L18 | S08°13'40"E -22.00'
L19 | S81°12'22"W -10.00'
L20 | N08°47'38"W -22.00'
L21 | S81°30'00"W -44.27'
L22 | N87°50'08"E -61.81'
L23 | N87°50'08"W -24.28'
L24 | N87°50'08"W -37.53'
L25 | N51°37'58"W -140.36'
L26 | N51°37'58"W -45.16'
L27 | N51°37'58"W -85.20'
L28 | N74°41'55"W -29.75'
L29 | N86°55'06"W -71.78'
L30 | S55°43'18"E -255.40'
L31 | S55°43'18"E -191.38'
L32 | S55°43'18"E -64.02'
L33 | N64°16'42"E -44.99'
L34 | N64°16'42"E -36.24'
L35 | N64°16'42"E -8.75'
L36 | S25°43'18"E -20.00'
L37 | S64°16'42"W -44.99'
L38 | S64°16'42"W -35.18'
L39 | S64°16'42"W -9.81'
L40 | S04°16'42"W -44.99'
L41 | S04°16'42"W -23.52'
L42 | S04°16'42"W -21.47'
L43 | N85°43'18"W -20.00'
L44 | N85°43'18"W -9.06'
L45 | N85°43'18"W -10.94'
L46 | S04°16'42"W -44.99'
L47 | N55°43'18"E -254.07'
L48 | N55°43'18"E -61.58'
L49 | N55°43'18"E -192.49'
LOT 1 31,329 S.F. 0.72 AC.
LOT 2 29,548 S.F. 0.68 AC.
LOT 3 24,084 S.F. 0.55 AC.
LOT 4 29,283 S.F. 0.67 AC.
LOT 5 23,859 S.F. 0.55 AC.
LOT 6 25,979 S.F. 0.60 AC.
LOT 7 25,039 S.F. 0.57 AC.
LOT 8 26,424 S.F. 0.61 AC.
LOT 9 24,070 S.F. 0.55 AC.
20' ACCESS & UTILITY EASEMENT
SEE DRAINAGE EASEMENT NOTE
5' DRAINAGE EASEMENT
DELTA=14°41'20" R=640.00' L=164.08' T=82.49' CHORD=N23°12'20"E CL=163.63'
GLACIER HIGHWAY STA:32+27.61 OFF:50.00'LT
PC STA:30+97.52
STA 41+24.48, 0.15 LT
GLACIER HIGHWAY STA:28+62.75 OFF:60.00'LT
GLACIER HIGHWAY STA:28+23.40 OFF:67.38'LT
EXCEPTION
FR. LOT 4
SHERWOOD LANE
BLOCK A
BLOCK B
LOT A, USS 1041
TR. A, USS 1041
DRAINAGE EASEMENT NOTE
BY THIS PLAT THE EXISTING DRAINAGE/STREAM CORRIDOR IS DEDICATED AS A DRAINAGE EASEMENT THE LIMITS OF WHICH ARE DEFINED BY THE EXTENTS OF ACTIVE DRAINAGE.
(A) - ANADOMOUS FISH STREAM CATALOG NUMBER 111-50-10490-2020-3005 PER ADF&G
(B) - ANADOMOUS FISH STREAM CATALOG NUMBER 111-50-10490-2020 PER ADF&G
GENERAL NOTES
1. THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED PRIMARY MONUMENTS FOR THE NORTHEAST AND SOUTHWEST CORNERS OF THE CBJ HAGEVIG REGIONAL FIRE TRAINING CENTER WITHIN U.S. SURVEY 1041 HAVING A RECORD COMPUTED BEARING OF S49°33'39"W.
2. INFORMATION UTILIZED TO PRODUCE THIS PLAT INCLUDE THE "PLAT OF SHERWOOD ESTATES, FR. OF U.S. SURVEY 1041 (PLAT 537, JUNEAU RECORDING DISTRICT); "RECORD OF SURVEY OF FR. LOT 4, BLOCK B, SHERWOOD ESTATES" (PLAT 2012-24, JUNEAU RECORDING DISTRICT) AND STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, SOUTHEAST REGION RIGHT OF WAY MAP ALASKA PROJECT, JUNEAU GLACIER HIGHWAY, BROTHERHOOD BRIDGE TO ENGINEER'S CUTOFF, HES-093(5), PROJECT NO. 70657.
3. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON GTS-3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS.
4. WHERE RECORD SURVEY COURSES DIFFER FROM THAT OF FIELD MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE FIELD MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
5. SANITARY SEWER AND DOMESTIC WATER TO BE SUPPLIED BY CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.
STATE OF ALASKA
GWENN D. McCOM
LS 9019
REGISTERED LAND SURVEYOR
DATE: _____
TYPICAL MONUMENTS (ESTABLISHED THIS SURVEY)
PRIMARY MONUMENT
3" DIA. ALUMINUM BERNSTEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND
SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"
MONUMENT A DETAIL
ALASKA COMMUNICATIONS SYSTEMS SURVEY MARK 7025
COR 3
1966
2-A
MONUMENT B DETAIL
CBJ OF JUNEAU
ROW
LOT A
S1041
1980
R&M ENGINEERING, INC.
ROW
1
ANDSOH
S-1041
9019-S
2014
R&W
9019-S
SEE MONUMENT DETAIL A (BASIS OF POSITION)
SEE MONUMENT DETAIL B
BASIS OF BEARING S49°33'39"W 754.36'(754.49')
GRAPHIC SCALE
0' 20' 40' 80' 160'
AN AMENDED PLAT OF
ANDSOH SUBDIVISION
A SUBDIVISION OF
LOTS 1, 2 & 3, BLOCK B, SHERWOOD ESTATES
WITHIN
U.S. SURVEY NO. 1041
THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
OWNER: ANDSON ASSOCIATES, LLC P.O. BOX 211308 AUKE BAY, ALASKA 99821
SHEET 1 of 1
SCALE: 1"=40'
DATE: JANUARY 29, 2015
SURVEYOR: R&M ENGINEERING, INC. 6205 GLACIER HIGHWAY JUNEAU, ALASKA 99801
R&M PROJ. NO. 131798



Attachment C

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: March 26, 2014
File No.: SMP2014 0001

John Armstrong
PO Box 35513
Juneau, AK 99803

Application For:	Preliminary Plat approval for a Major Subdivision of three lots to nine lots at the southeast corner of Sherwood Lane and Glacier Highway.
Legal Description:	Sherwood Estates Block B Lots 1, 2, and 3
Property Address:	2767 Sherwood Lane
Parcel Code No.:	4-B17-0-110-016-0; 4-B17-0-110-015-0; and 4-B17-0-110-014-0
Hearing Date:	March 25, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 13, 2014, and approved the preliminary plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to Final Plat Approval, the applicant shall submit a joint use and maintenance agreement that includes a Hold Harmless statement referencing the City and Borough of Juneau, for the access and utility easements to be recorded with plat.
2. Prior to Final Plat Approval, the applicant shall submit detailed drawings of the proposed utilities and driveway meeting all applicable CBJ Engineering standards.
3. Prior to construction of the subdivision improvements, the applicant shall submit a detailed drainage management plan consistent with CBJ §49.35.510.
4. Prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback.
5. Stormwater features will be required prior to development to comply with CBJ 19.12.120 Stormwater Quality and the CBJ Manual of Stormwater Best management Practices.
6. Prior to Final Plat recording, the applicant will be required to install improvements for public water and sewer to all proposed lots, or shall bond for improvements.
7. Prior to Final Plat Approval, the applicant shall define, fire apparatus turnaround and drainage on the plat.
8. Prior to Final Plat Approval, the applicant shall submit a plan detailing topography of the subject parcels.
9. Prior to Final Plat Approval, the applicant shall label on the plat the No Disturb and No Build setbacks.
10. Prior to Final Plat Approval, the applicant shall add the following note to the plat:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: July 8, 2014
File No.: SMF2014 0002

John Armstrong
PO Box 35513
Juneau, Alaska 99803

Application For:	Final Plat approval for a Major Subdivision of three lots to nine lots at the southeast corner of Sherwood Lane and Glacier Highway.
Legal Description:	Sherwood Estates Block B Lots 1, 2, and 3
Property Address:	2767 Sherwood Lane
Parcel Code No.:	4-B17-0-110-016-0; 4-B17-0-110-015-0; and 4-B17-0-110-014-0
Hearing Date:	July 8, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 25, 2014, and approved the final plat to be conducted as described in the project description and project drawings submitted with the application .

Attachment: June 25, 2014 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding SMF2014 0002.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, July 8, 2014.

Project Planner: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Jennie J Sin

Filed With City Clerk

7/10/14

Date

cc: Plan Review

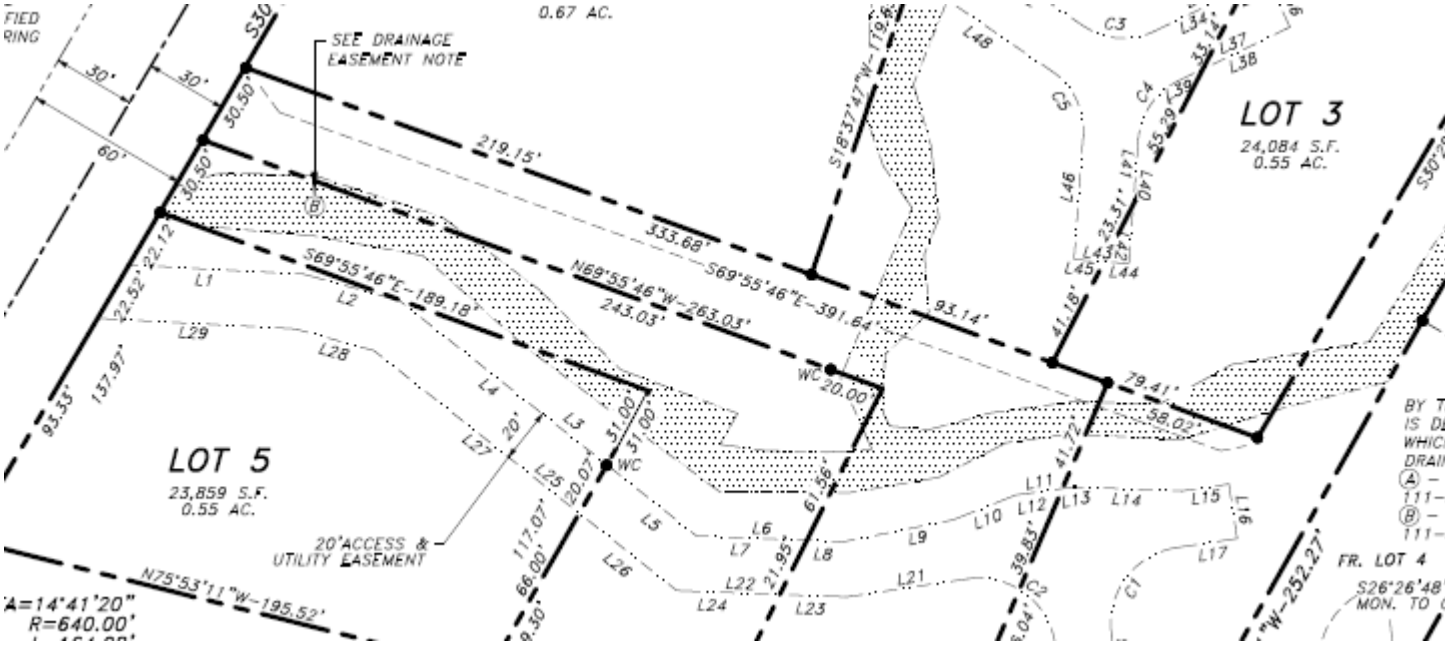
From: Ron King
Sent: Friday, January 30, 2015 4:09 PM
To: Jonathan Lange; Quinn Tracy; Dan Jager
Subject: RE: Review Comments - SMF20150001 A Plat Amendment for ANDSOH Subdivision

Realistically the stream will remain as is unless it is buried in a culvert. The banks are established, the flow is minimal, perhaps when Pederson Hill is developed the flow would increase.

The easement for access and utilities will not move because the infrastructure is to be built according to the APPROVED plan. The driveway must be constructed 20ft wide to meet IFC Code for fire apparatus, that will not change. The crossing is located based on the existing culvert and that will not change unless a new culvert is permitted and installed.

The setback shown is a picture of this point in time. The actual setback is staked by CDD for each building permit and that may move but there is no reason to remove the constraints unless the creek jumps its channel and carves a new path or the owner receives permission to put the creek in a culvert.

I recommend denial of the Plat Amendment.



Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Friday, January 30, 2015 12:28 PM
To: Ron King; Quinn Tracy; Dan Jager
Subject: Review Comments - SMF20150001 A Plat Amendment for ANDSOH Subdivision

Attachment E

Subject: Please review the attached draft plat related to a Plat Amendment review for ANDSOH Subdivision, a Major Subdivision with 9 lots.
File: SMF2015 0001
Parcel: 4-B17-0-110-014-1 through 014-9
Address: 2767 Sherwood Ln.
The proposal is to amend the Major Subdivision Plat for ANDSOH Subdivision; which includes moving and reducing access and utility easements; and removing the anadromous stream setbacks from the face of the plat so that in the future if setbacks are varied the applicant or owner would not have to amend the plat each time.
Please see the attached draft plat.
Please send me comments by February 5, 2015 or as soon as possible.
I look forward to receiving your comments.
Let me know if you require any additional information for this project or have any questions.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Law Department

MEMORANDUM

DATE: February 6, 2015
TO: Jonathan Lange, CDD Planner
FROM: Robert H. Palmer III, Assistant Municipal Attorney
SUBJECT: ANDSOH Subdivision and 49.70.310

You asked for guidance whether an access road/driveway can be located within the 50 foot no development buffer proscribed by 49.70.310(a)(4).

Short answer: No, the access road/driveway is prohibited from being within the 50 foot no development buffer proscribed by 49.70.310(a)(4).

The following memo addresses two intertwined issues related to your question: the 50' no development buffer and nonconforming use/enforcement.

I. FACTS

As I understand the facts, the developer has proposed two access roads/driveways (to be easements) that encroach into the 50' no development buffer of a designated stream. You have asked me to focus on the lower access road that parallels the stream. I assume the stream is identified in Appendix B of the 2013 Comprehensive Plan. The access roads have been physically constructed. The fill (construction) was placed on the property in about 1983.

II. DISCUSSION

A. 50' no development buffer

CBJ 49.70.310(a)(4) prohibits development within 50 feet of a qualified stream, "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;".[1] The term development has a broad definition,

> "*Development* means any of the following: (1) Construction, reconstruction or enlargement of a structure involving more than 120 square feet; (2) a subdivision…(4) Change in use of a lot, including any structure thereon;…(6) Removal of substantial vegetative cover; (7) Excavation, dredge or fill activity;…(10) Any site work in preparation or anticipation of the above."

49.80.120 (Development definition). Further, the definition of structure includes "a street, road,…driveway…". 49.80.120 (Structure definition).

Here, construction of an access road/driveway would be considered development and prohibited within the 50 foot stream buffer today because (1) the driveway would be construction of a structure more than 120 square feet, (2) a subdivision is being created, (3) a change in use of a lot from one unimproved lot to an improved subdivision would occur, (4) construction of the driveway would likely cause removal of substantial vegetative cover, (5) the construction of the driveway would require fill, and (6) to construct the driveway or create the subdivision requires site work. Thus, if the driveway were to be constructed today, it would be prohibited by CBJ 49.70.310(a)(4).

Similarly, if the existing property requires improvements to the 1983 fill/development, then the same analysis would apply. For example, if the 1983 development needs to be widened to meet a street standard, if the 1983 development needs to be paved, or if any curb and drainage needs to occur, then that new development would be prohibited by CBJ 49.70.310(a)(4).

However, if I understand the facts correctly, the 1983 development may not need to be improved and this subdivision only needs an easement. If no future development will occur on

[1] A similar 50 foot setback regulation is also located at 49.70.950(f).

the 1983 development, the bigger issue is whether the 1983 development is a nonconforming use.

B. Nonconforming use/enforcement

The enacting reference citations indicate that CBJ 49.70.310 existed in some capacity prior to the massive 1987 Title 49 repeal and reenactment. However, because a non-conforming code provision, 49.30.600, requires non-conforming uses to be brought up to compliance when a "substantial change" in use of the property occurs, a pre-1987 code analysis is not necessary.

If the 1983 development was illegal at the time, it is still illegal now and the Community Development Department could take enforcement action, which means the proposed access road/driveway is still an illegal use and would be prohibited by CBJ 49.70.310(a)(4). *Tweedy v. MatSu*, 332 P.3d 12 (AK 2014) (describing nonconforming use, setback, and subdivision concepts); *Jackson v Kenai Peninsula Borough*, 733 P.2d 1038 (AK 1987) (city can take enforcement action despite knowing of violation for 18 years); *Szabo v Municipality of Anchorage*, 320 P.3d 809 (AK 2014) (municipality can take enforcement action 10 years later and demand fees since original notice 10 years prior).

Alternatively, if the 1983 development was legal, it would be allowed to continue so long as the character of the property did not change. A non-conforming use provision, 49.30.600, describes that if a development permit (i.e. subdivision permit) is required for a proposed change in use of the property, then the nonconforming use must be brought up to comply with CBJ 49.70.310(a)(4).

> 49.30.600 - Change in use of property.
>
> (a) A substantial change in the use of property containing a situation made nonconforming by the adoption of the ordinance codified in this title may be made only after review and approval according to the procedures applicable to an initial use.

> (b) Property changed in use pursuant to subsection (a) of this section may not thereafter revert to its nonconforming status. As used in this subsection the term "substantial change" means a change sufficient to require a new development permit. (Serial No. 87-49, § 2, 1987)

Thus, if the 1983 development is a legal nonconforming use, then the developer will be required to comply with CBJ 49.70.310(a)(4) because the character of the property is changing.

Therefore, even without knowing what the code allowed in 1983, the developer will be required to comply with CBJ 49.70.310(a)(4) because the developer is seeking a substantial change in use of the property as defined by 49.30.600.

50 ft setback
from stream
ATTACHMENT F

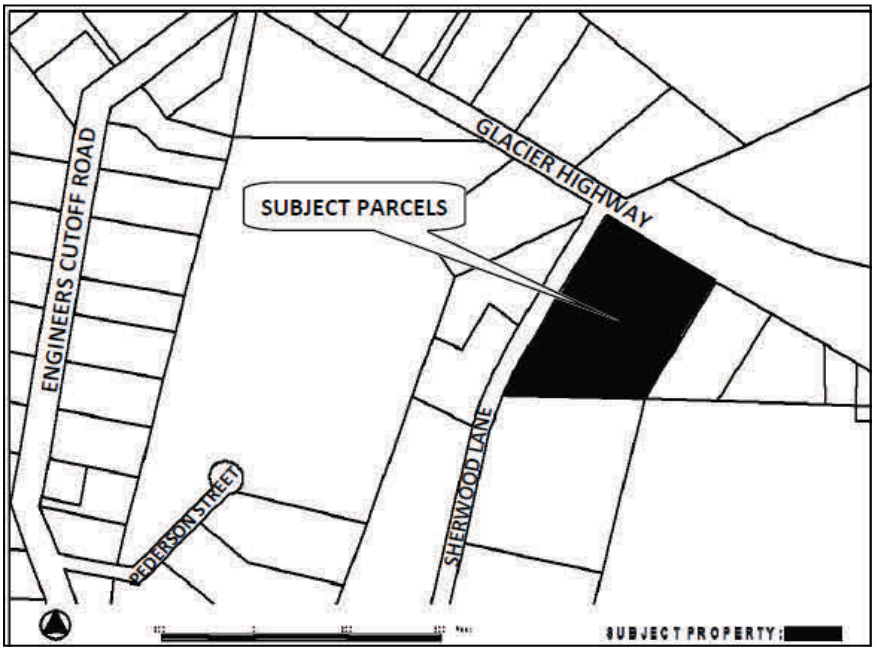
50 ft setback from stream
ATTACHMENT F

25ft setback from stream
ATTACHMENT F

25ft setback from stream
ATTACHMENT F

25ft Setback
from Stream
ATTACHMENT F

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: A Plat Amendment review for ANDSOH Subdivision, a Major Subdivision with 9 lots.

File No:	SMF2015 0001	Applicant:	John Armstrong
To:	Adjacent Property Owners	Property PCN:	Multiple
Hearing Date:	February 24, 2015	Owner:	ANDSOH Associates, LLC
Hearing Time:	7:00 PM	Size:	5.48 Acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	2767 Sherwood Lane
	155 South Seward Street	Accessed Via:	Sherwood Lane
	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 th 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.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Attachment G

Date notice was printed: January 30, 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: February 24, 2015
File No.: SMF2015 0001

John Armstrong
PO Box 35513
Juneau, Alaska 99803

Application For:	A Plat Amendment review for ANDSOH Subdivision, a Major Subdivision with 9 lots.
Legal Description:	ANDSOH Subdivision Lots 1 through 9
Property Address:	2767 Sherwood Lane
Parcel Code No.:	4-B17-0-110-014-1 through 4-B17-0-110-014-9
Hearing Date:	February 24, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 9, 2015, and approved the final plat to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions of approval:

1. Prior to recording of the proposed Plat Amendment, the Access and Utility Easement for Lots 5, 7, 8, and 9 must be moved south to 50 feet from the anadromous stream.
2. Prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback.

Attachment: February 9, 2015 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding SMF2015 0001.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, February 24, 2015.

John Armstrong
File No.: SMF2015 0001
February 24, 2015

Project Planner: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Laurie J. Sica — 2/25/15

Filed With City Clerk — Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.