

# Agenda

**Planning Commission - Subdivision Review Committee  
City and Borough of Juneau  
Paul Voelckers, Chairman**

November 10, 2015

Marine View Center, 230 S. Franklin Street, 4th Floor Conference Room #404  
5:15 PM

**I. ROLL CALL**

**II. APPROVAL OF AGENDA**

**III. APPROVAL OF MINUTES**

**A.** SRC Draft Minutes, October 16, 2015 Meeting

**IV. AGENDA TOPICS**

**A.** VAR2015 0031, Variance Request for proposed Pederson Creek Minor Subdivision on North Douglas Highway

**B.** STV2015 0001, Proposed Street Vacation of a portion of Vista Del Sol Drive

**C.** MIP2015 0001, Proposed Minor Subdivision at 7400 Glacier Highway

**V. COMMITTEE MEMBER COMMENTS AND QUESTIONS**

**VI. ADJOURNMENT**

**Draft Minutes of the  
City and Borough of Juneau  
Subdivision Review Committee of the Planning Commission**

Wednesday, October 16 2015  
CDD Large Conference Room, Marine View Building  
5:00 p.m. to 6:30 p.m.

Members Present: Dennis Watson  
Michael Levine  
Dan Miller

Staff: Laura Boyce

Guests: Joanne Wilta  
Andrew Gamble

Call to Order: 5:00 p.m.

New Business

- Proposed two-lot subdivision of a common wall lot in Mountainside Estates  
Applicant: Joanne Wiita, Andrew Gamble  
Address: 1125 Timberline Court  
Legal Description: Hillside View Lot 2A

Ms. Wiita submitted two applications for the proposed subdivision of the existing lot located at 1125 Timberline Court. It's a lot that contains a zero lot line home and the lot shares access with two other properties. This lot, if subdivided, would share access along the shared access easement. The applicant submitted two variances, one for the requirement for 30 feet of frontage on a maintained right-of-way and the other for access along a maintained right-of-way.

The applicant was told that the two variances could be combined into the same request for a variance for frontage and direct and practical access. Another variance is needed for lot design which was not submitted. When the applications were submitted, one of the proposed lots met the requirements for the "minimum rectangle/Director's discretion" section of Code. With the new subdivision rules in place since September 30<sup>th</sup>, that section of Code no longer exists so therefore the applicant must submit a variance for lot width. The applicant was advised that she could submit additional information regarding her requests for the variance to frontage and access if she

wanted, but she would need to submit information addressing the six variance criteria for the needed lot width variance.

Additionally, the SRC discussed the frontage along Timberline Court. A portion of the existing frontage is encumbered by either the shared access easement or a utility easement in favor of abutting neighbors. Practical access, other than by the shared easement, isn't really possible.

The existing shared driveway provides access to one land-locked parcel and the two zero lot line parcels. The proposed subdivision, if approved with variances, would add another land-locked parcel to the shared driveway. One SRC member stated that he doesn't see those as land-locked parcels and that the easement should be recognized as un-land-locking the parcels, but current Code language doesn't recognize this.

The applicant was advised to talk to the neighbors that share the access as the access agreement would need to be revised to allow any new users along the shared driveway. The applicant stated that she had not yet done that.

**Motion Passed:** That the applications should move forward to the Planning Commission for further analysis and full discussion.

Adjournment

Approximately 6 p.m.



# Community Development

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

**DATE:** November 5, 2015

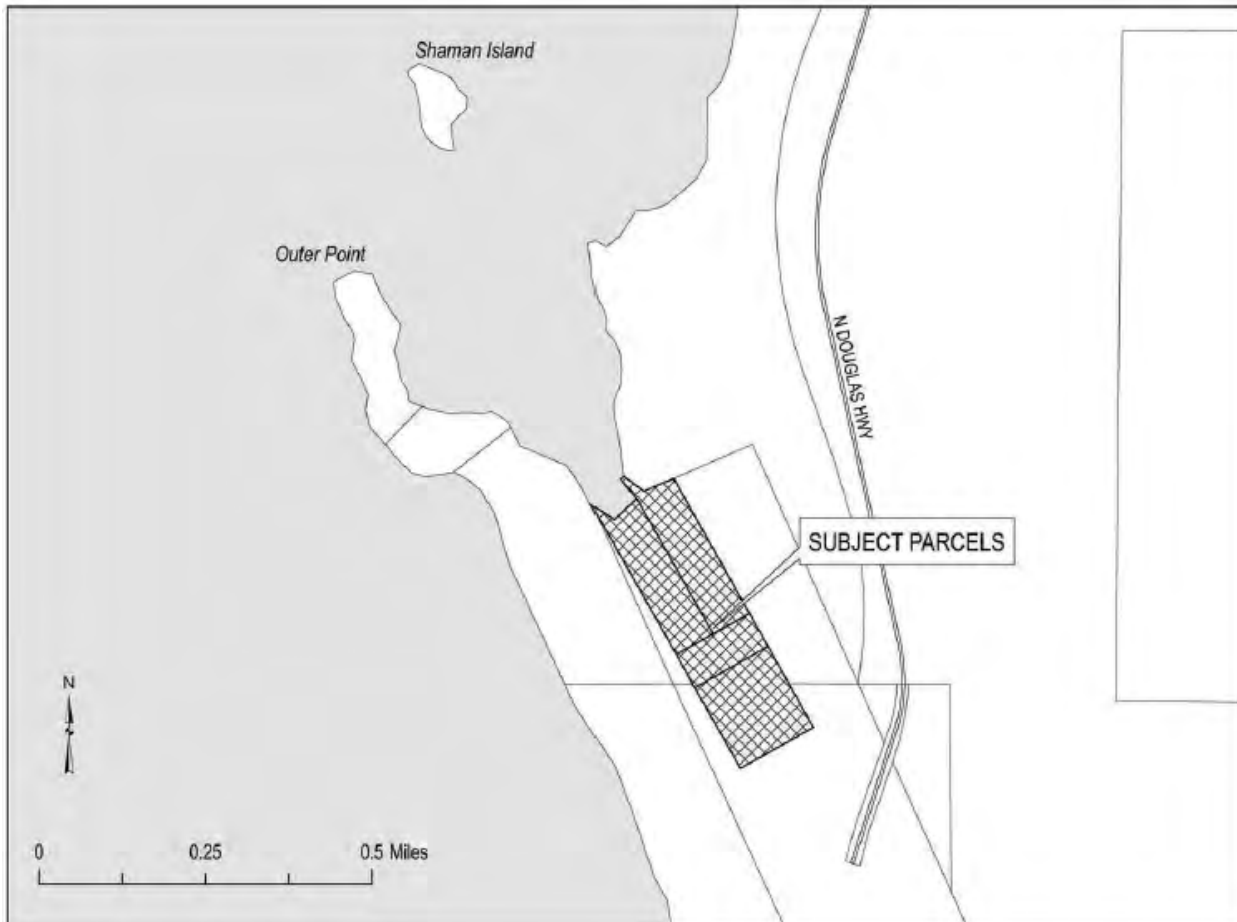
**TO:** Planning Commission Subdivision Review Committee

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

**FILE NO.:** VAR2015 0031

**RE:** A Variance request to the requirement for frontage and practical access on a public right-of-way for a proposed minor 9 lot subdivision.

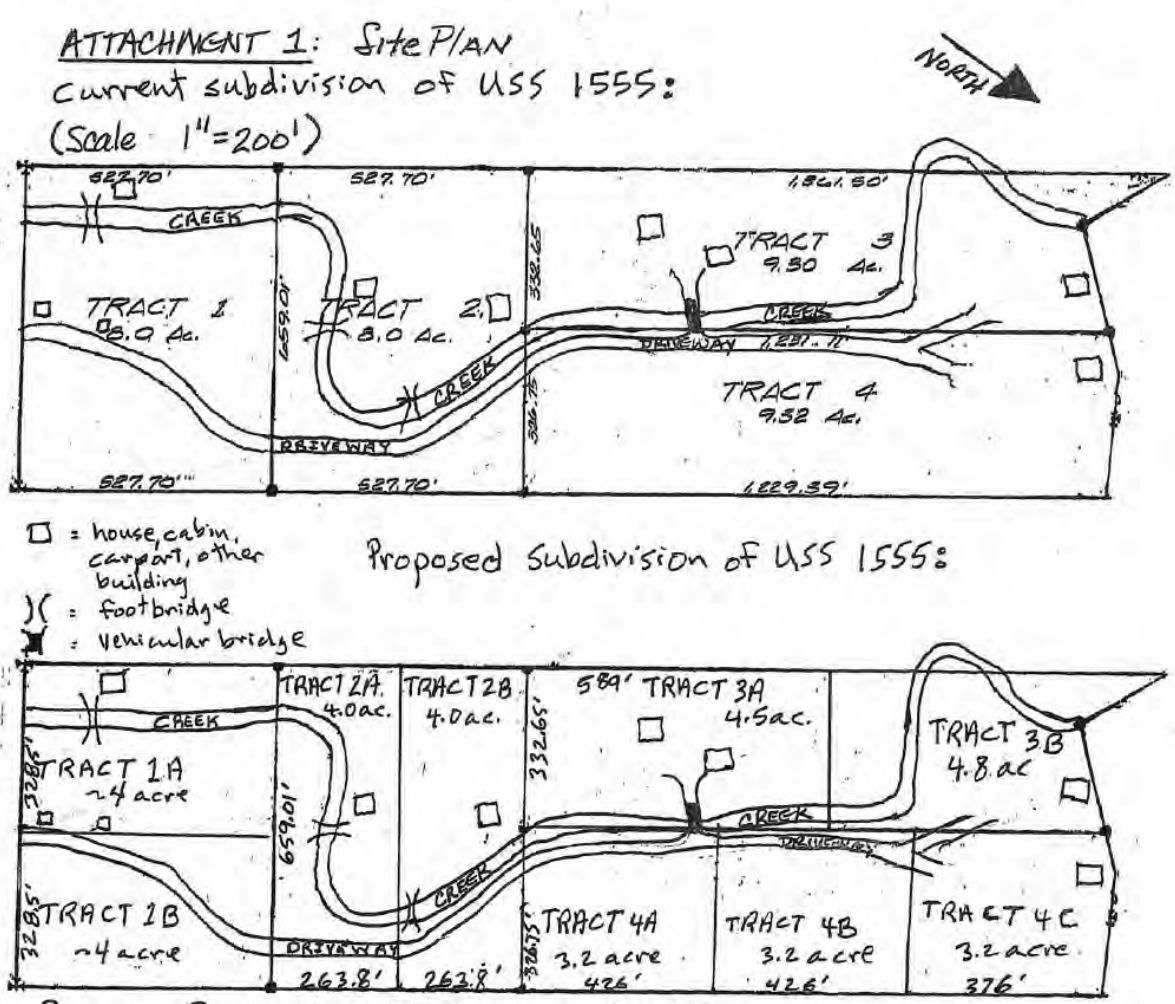
### Vicinity Map



**Attachments**

Attachment A –Applications, Narrative, and Other Documents

**Project Description** - The applicants have requested the proposed Variance, VAR2015 0031 - a request to the requirement for frontage and practical access on a public right-of-way for the below proposed Minor Subdivision at the end of North Douglas Highway. The applicants would like to subdivide the four tracts, zoned Rural Reserve, into nine lots; however, they would like to do so without creating the right-of-way connection to each lot. The parcels, U.S. Survey No. 1555 (USS 1555) are outside the Urban Service and Fire Service Boundary.

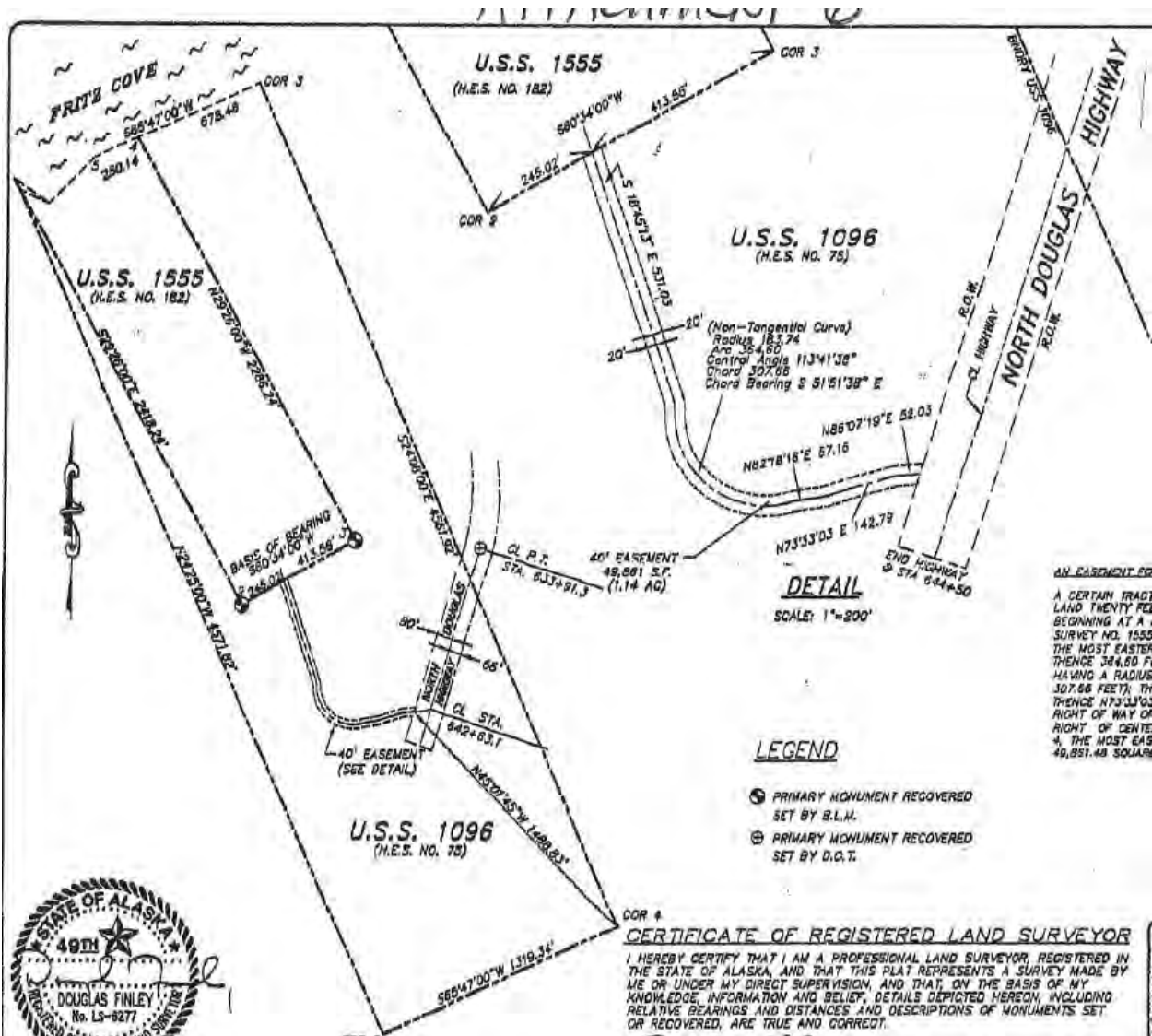


SOURCE: Sketch Plat, A Subdivision of U.S. Survey 1555, Plat 78-25W

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USS 1555 was subdivided in 1977 into four tracts through a platting waiver. The platting waiver was allowed through restrictive covenants for maintenance of the easement and driveway (Attachment A).

The four tracts of U.S. Survey Number 1555 (USS 1555) are located near the end of North Douglas Highway. The tracts are accessed by an easement across Goldbelt and Sealaska land, USS 1096 shown below, which is approximately 1,178 foot, or 0.2 mile long, and 40 foot wide (See Attachment B for map). The current driveway width is between 10 and 14 feet.



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

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*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](#).*

**Habitat-** Peterson Creek is a cataloged anadromous water body and is classified as an impaired waterbody; 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).

*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. In order to provide a right-of-way within the subdivision the new right-of-way location would be required to meet the buffer requirements listed above.

**Traffic** - 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 6.65 ADT for an accessory apartment. The current gravel driveway requirements are for a 20 foot wide gravel drive, a privately-maintained access road in a public right-of-way that cannot exceed 211 ADT. For a development that would generate 212 to 499 ADT, the roadway construction standards found in Title 49 would require a paved 24 foot roadway with one sidewalk and with a right-of-way width of 60 feet.

**Issues**

Right-of-way frontage – The current lots are accessed via an easement from North Douglas Highway to USS 1555. The easement is 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.

Driveway adjacent to anadromous stream – The driveway to USS 1555 would be required to be improved, but portions of the driveway are within the no disturbance and no development buffers of an anadromous stream. If a right-of-way was platted through the subdivision, it would need to meet the buffer requirements. The option to vary from the streamside buffer requirement is currently not available.

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### **Additional Information**

**Site Visit** - The applicant has suggested it would be beneficial for Planning Commissioners to visit the site to become more familiar with the area and subdivision layout. She has suggested and has made herself available for any interested Planning Commissioners to visit the site on Saturday or Sunday, November 21<sup>st</sup> or 22<sup>nd</sup>, from 10am to 3pm. The applicant could meet the Commissioners at the driveway to the subdivision at the end of North Douglas Highway and walk or orient the Commissioners along the driveway and through the subdivision. The applicant can be reached at 907-723-4003 to meet Commissioners at the end of North Douglas Highway.

Staff will poll the Planning Commissioners at the November 10<sup>th</sup> regular Planning Commission meeting and see who is interested in a site visit. If three or more Commissioners will be at the site at the same time public notice will be required.

# DEVELOPMENT PERMIT APPLICATION

<b>Project Number</b>	<b>CITY and BOROUGH of JUNEAU</b>	<b>Date Received:</b> <span style="font-size: 1.2em;">09/16/15</span>
<b>Project Name</b> <small>(City Staff to Assign Name)</small>		

**INFORMATION**

**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**

<b>Street Address</b> 14010 through 14040 North Douglas Highway	<b>City/Zip</b> Juneau/99801
<b>Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)</b> U.S. Survey No. 1555, Tracts 1, 2, 3 and 4. Plat 78-25W, Juneau Recording District, 9-6-1978.	
<b>Assessor's Parcel Number(s)</b> 3D1401070010, 3D1401070020, 3D1401070030, and 3D1401070040	

**LANDOWNER/ LESSEE**

<b>Property Owner's Name</b> See Addendum attached	<b>Contact Person:</b>	<b>Work Phone:</b>
<b>Mailing Address</b> See Addendum attached	<b>Home Phone:</b>	<b>Fax Number:</b>
<b>E-mail Address</b> See Addendum attached	<b>Other Contact Phone Number(s):</b>	

**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.

**PROJECT / APPLICANT**

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

<b>Applicant's Name</b> Peterson Creek Landowners Association	<b>Contact Person:</b> Gretchen Keiser	<b>Work Phone:</b> na
<b>Mailing Address</b> PO Box 21883, Juneau, AK 99802	<b>Home Phone:</b> (907) 723-4003	<b>Fax Number:</b> na
<b>E-mail Address</b> gkeiser@gmail.com	<b>Other Contact Phone Number(s):</b>	

X Gretchen Keiser  
 Applicant's Signature Date of Application: 9/16/2015

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)			

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

	<b>Permit Intake Initials</b> <span style="font-size: 1.5em;">JAB</span>
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# VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAR20150031</u>	Date Received <u>09/16/15</u>
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**TYPE OF VARIANCE REQUESTED:**

<input type="checkbox"/> Variance to the Sign Standard (VSG)	<input type="checkbox"/> Variance to Dimensional Standards (VDS)
<input type="checkbox"/> Variance to Habitat Setbacks (VHB)	<input type="checkbox"/> Variance to Parking Requirements (VPK)
<input type="checkbox"/> Variance to Setback Requirements (VSB)	<input checked="" type="checkbox"/> 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.

**VARIANCE FEES**

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>400.00</u>	<u>1060</u>		
Adjustment	\$ _____			
<b>Total Fee</b>	<b>\$ <u>400.00</u></b>	<b><u>1060</u></b>	<b><u>7125</u></b>	<b><u>09/16/15</u></b>

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

TO BE COMPLETED BY THE APPLICANT

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

**Project Number:**

**Project Name:**


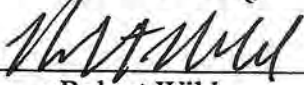
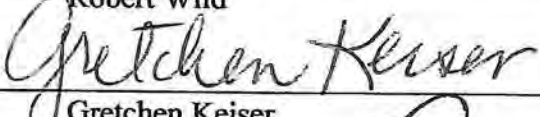
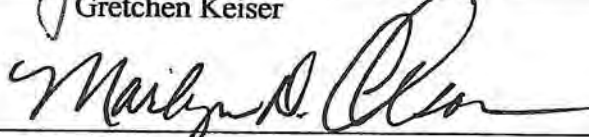
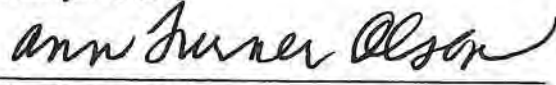
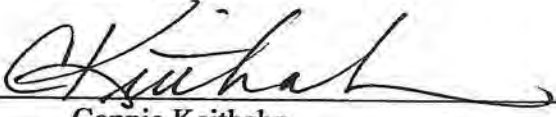
**Peterson Creek Landowners Assn names, addresses, contact information:**

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		9-13-15
	Angela Jill Sandleben	Date
X		
	Maureen O'Leary	Date
X		
	Armenio Campos	Date
X		
	David Bonk	Date
X		
	Jeannine Bonk	Date
X		9/13/2015
	Robert Wild	Date
X		9/16/2015
	Gretchen Keiser	Date
X		9/14/2015
	Marlyn Olson	Date
X		9/14/2015
	Ann Turner Olson	Date
X		9/15/15
	Connie Keithahn	Date
X		
	Connie S. Staska	Date
X		
	Raymond F. Staska	Date

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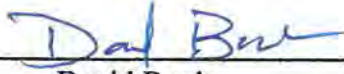
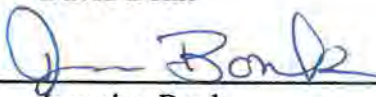
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<b>X</b>	Angela Jill Sandleben <i>O' Campos</i>	Date
<b>X</b>	<i>Maureen O'Leary (no)</i> Maureen O'Leary	9-1-15 Date
<b>X</b>	<i>Armenio Campos</i> Armenio Campos	9-1-15 Date
<b>X</b>	David Bonk	Date
<b>X</b>	Jeannine Bonk	Date
<b>X</b>	Robert Wild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

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<b>X</b>	Angela Jill Sandleben	Date
<b>X</b>	Maureen O'Leary	Date
<b>X</b>	Armenio Campos	Date
<b>X</b>	 David Bonk	8.22.15 Date
<b>X</b>	 Jeannine Bonk	8.22.15 Date
<b>X</b>	Robert Wild	Date
<b>X</b>	Gretchen Keiser	Date
<b>X</b>	Marlyn Olson	Date
<b>X</b>	Ann Turner Olson	Date
<b>X</b>	Connie Keithahn	Date
<b>X</b>	Connie S. Staska	Date
<b>X</b>		

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<b>X</b>	Angela Jill Sandleben	Date
<b>X</b>	Maureen O'Leary	Date
<b>X</b>	Armenio Campos	Date
<b>X</b>	David Bonk	Date
<b>X</b>	Jeannine Bonk	Date
<b>X</b>	Robert Wild	Date
<b>X</b>	Gretchen Keiser	Date
<b>X</b>	Marlyn Olson	Date
<b>X</b>	Anri Turner Olson	Date
<b>X</b>	Connie Keithain	Date
<b>X</b>	<i>Connie S. Staska</i> Connie S. Staska	<i>9-8-2015</i> Date
<b>X</b>	<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.** <sup>1</sup> 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.

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<sup>1</sup> 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.<sup>2</sup>

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*.

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<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>3</sup> 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,



Gretchen Keiser

P.O. Box 21883

Juneau, Alaska 99802

Physical Address: 14030 North Douglas Highway

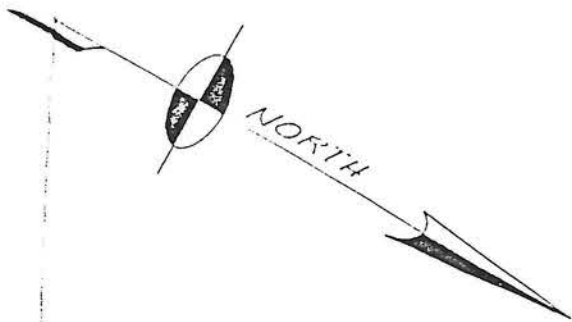
cc: PCLA members

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.

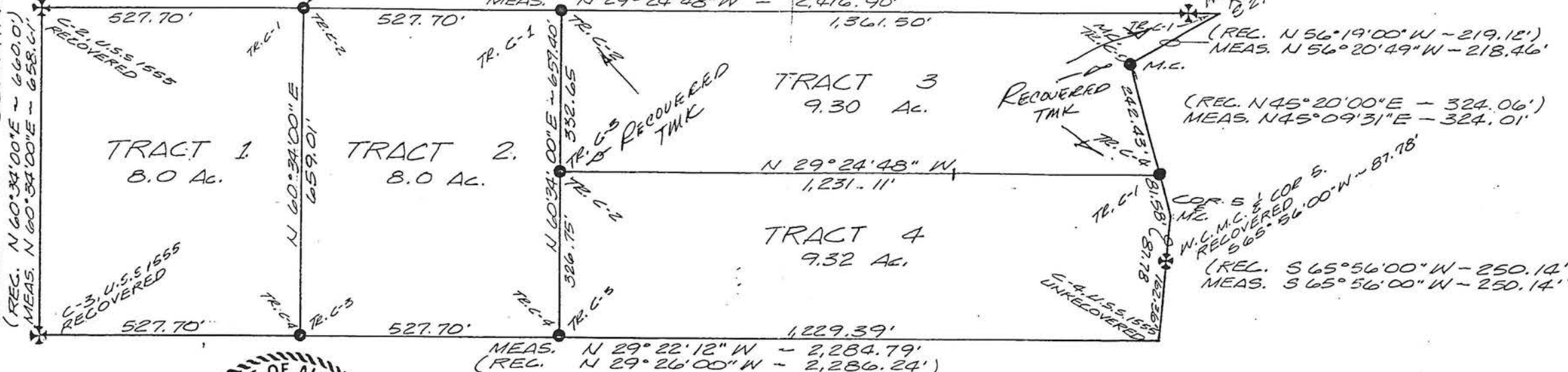
# Attachment 1



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

Packet Page 26 of 88

BASIS - OF - BEARING



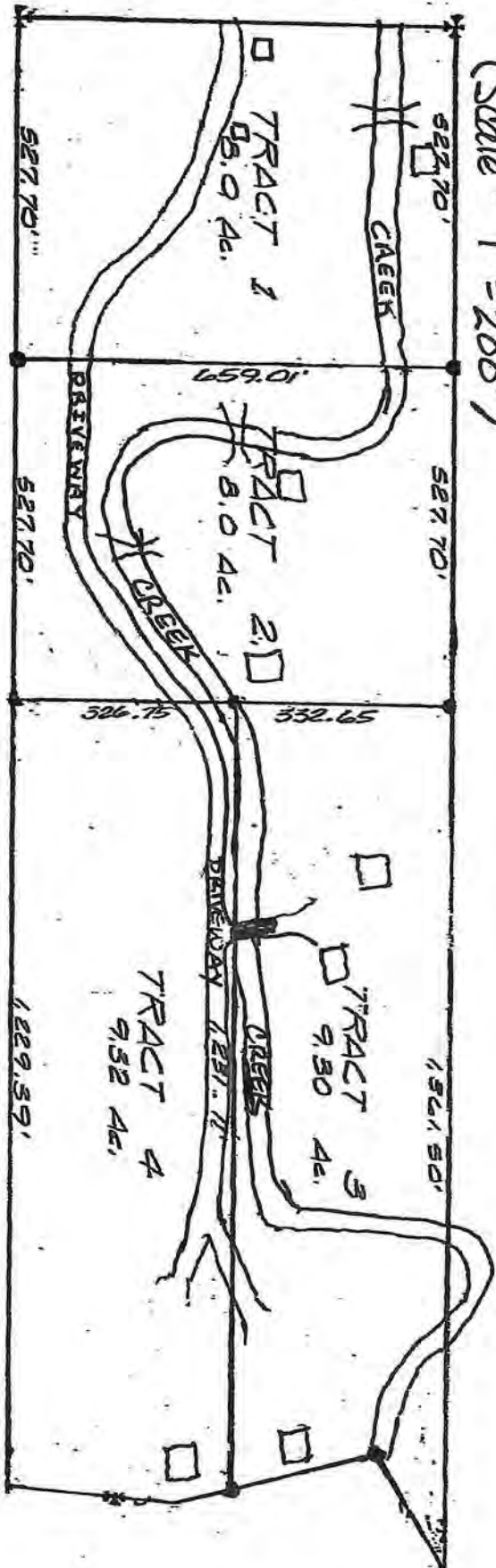
SCALE: 1" = 200'

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

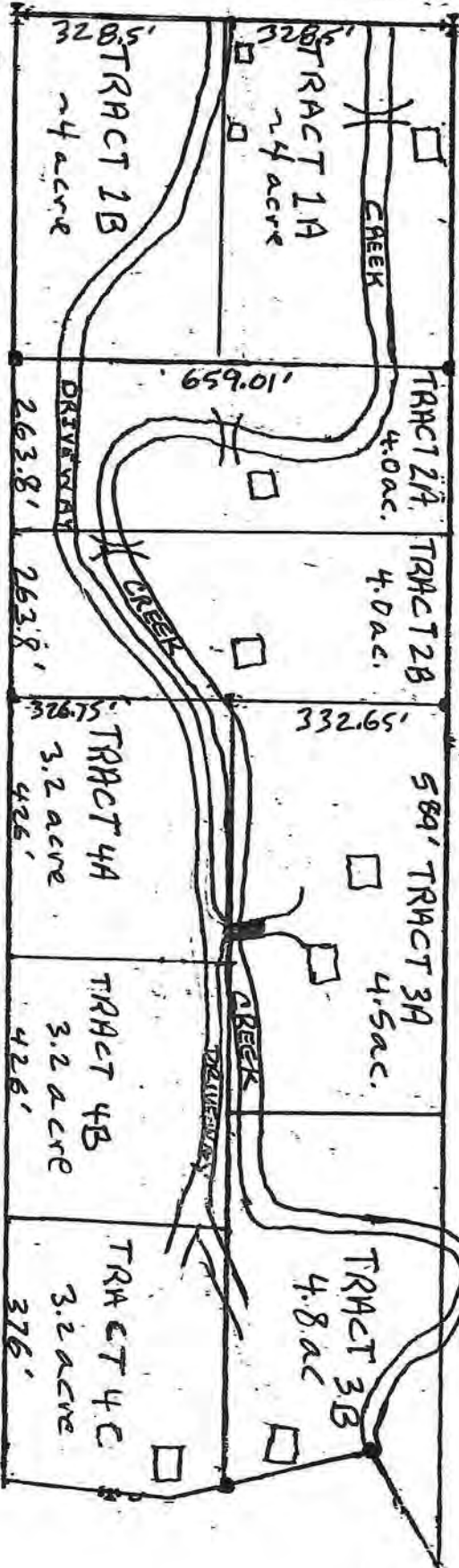
PREPARED BY:  
TRYCK, NYMAN, & HAYES  
JUNEAU, ALASKA  
DRAWN BY: TOM KIRCHNER  
CK. BY: RILEY HERON  
DATE: SEPT 5, 1978

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



Proposed Subdivision of US 1555:

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



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

# ATTACHMENT 2

**NOTES:**

SEE SHEET 5 FOR SYMBOLS

TONGASS

NATI O I

**TOTEM CK., INC.**  
**GOLF COURSE**  
**DEVELOPMENT ALIGNMENT**  
**1998/99 STUDY**

ORIGINAL DOT/PF - 1987  
 QUARRY SITE LOCATION

FRITZ COVE  
 19



1096  
 Lot 3  
 75.38 Ac.

DOT ALIGNMENT  
 1992 SURVEY








Peterson Creek

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

SCALE  
 0' 400'

Attachment 3

CITY 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. Staska and Connie S. Staska, 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 I, 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 amongst 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. Invalidation 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 14<sup>th</sup> 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:

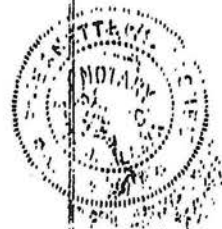
Jerry E. Kressin  
Jerry E. Kressin  
Lorily Brice-Kressin  
Lorily Brice-Kressin  
Raymond F. Staska  
Raymond F. Staska

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 13<sup>th</sup> 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.



Jeanette M. Fisher  
Notary Public for Alaska  
My Commission Expires: 12/7/81

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TIA

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 5

0437 PAGE 680

0209 PAGE 031

Form IS60-9  
(January 1983)

The United States of America

To all to whom these presents shall come, Greeting:

AA-9205-C  
AA-9205-D

RETURN TO:

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

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: <sup>Juneau</sup> Ketchikan Recording District

Patent Number 30-93-0034

To all to whom these presents shall come, Greeting:

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, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

} B. ...

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, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
-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.

} S. ...  
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

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  
A



Attachment 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 9<sup>th</sup> 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.



4. The access road located on the easement is a residential driveway to be used by members of PCLA in conjunction with their use and development of the aforescribed lands. Authorized use of the right of way shall extend to said members, their invitees, licensees, successors and assigns.

5. Any driveway constructed on the easement shall be constructed and maintained in good repair by PCLA at its sole cost and expense. PCLA shall be solely responsible for compliance with any present or future governmental regulations or zoning requirements applicable to any driveway constructed on the easement. PCLA shall be liable for any taxes levied upon the Property as a result of the use of the easement or any improvements placed upon the easement.

6. PCLA, for itself, its members, successors, assigns and any invitees or licensees, hereby warrants and agrees to protect, defend, indemnify and hold Goldbelt harmless from any and all claims, liabilities, injuries and property damage of whatsoever nature which may be occasioned upon or arise in, on or about the easement, except to the extent any such matters arise from the activities or negligence of Goldbelt. PCLA shall take all reasonable steps to guard against the possibility of personal injury, property damage and other claims.

7. PCLA agrees to pay Goldbelt the sum of \$14,700 for this easement.

8. This easement may be extinguished only if the same party becomes owner of the dominant and servient estates, the PCLA releases the easement in favor of Goldbelt, or the easement is abandoned by the PCLA.

9. This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties to this agreement, their respective heirs, successors, or assigns.

In witness whereof, this deed and agreement have been executed on the dates indicated below.

GOLDBELT, INCORPORATED

By: *David A. York*  
Its: *Executive V.P.*



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

Angela J. Sandleben  
Angela J. Sandleben, President,  
member and individually

David Bonk  
David Bonk,  
member and individually

Jeannine Bonk  
Jeannine Bonk,  
member and individually

Maureen O'Campos  
Maureen O'Campos, Board,  
member and individually

Armenio O'Campos  
Armenio O'Campos,  
member and individually

Robert Wild  
Robert Wild, Secretary,  
member and individually

Gretchen Keiser  
Gretchen Keiser,  
member and individually

Ann Olson  
Ann Olson,  
member and individually

Marlyn Olson  
Marlyn Olson, Vice President  
member and individually

Connie Keithahn  
Connie Keithahn, Treasurer,  
member and individually

Raymond Staska  
Raymond Staska,  
member and individually

Connie Staska  
Connie Staska,  
member and individually

**ACKNOWLEDGMENT**



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.*

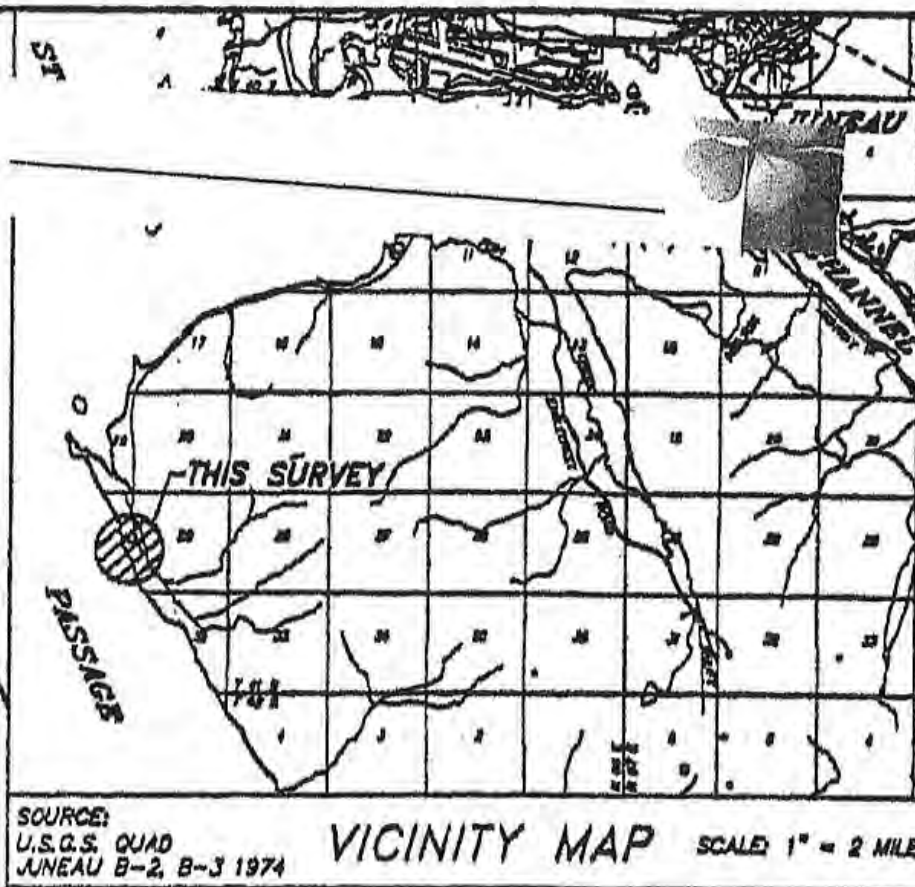
*JAW 10/6/2015*

FRITZ COVE

U.S.S. 1555  
(H.E.S. NO. 182)

U.S.S. 1096  
(H.E.S. NO. 75)

U.S.S. 1096  
(H.E.S. NO. 75)



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, 413.58 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 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.

DETAIL

SCALE: 1"=200'

LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED SET BY B.L.M.
- ⊕ PRIMARY MONUMENT RECOVERED SET BY D.O.T.

500' 0 500'

Scale in feet

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.

*Douglas Finley*

5-21-02



U.S.S. 1555  
(H.E.S. NO. 182)



COR 8

COR 4

N86'07'19"E 52.03  
 N82'18'16"E 67.16  
 N73'33'03"E 142.79

BASIS OF BEARING  
 S80'34'00"W 413.58'  
 S 245.02'

40' EASEMENT  
 49,881 S.F.  
 (1.14 AC)

40' EASEMENT  
(SEE DETAIL)

CL STA. 642+63.1  
 NORTH DOUGLAS HIGHWAY

END HIGHWAY @ STA 644+50  
 R.O.W.  
 CL HIGHWAY  
 R.O.W.

20'  
 20'  
 (Non-Tangential Curve)  
 Radius 183.74  
 Arc 364.60  
 Central Angle 113'41'38"  
 Chord 307.66  
 Chord Bearing S 51'51'38" E

S 18'45'13" E 531.03  
 S 51'51'38" E 307.66

S65'47'00"W 678.48  
 COR 3  
 S 250.14'

S60'34'00"W 413.58'  
 COR 3  
 S 245.02'

S 245.02' E 248.24'  
 N29'26'00"W 2285.24'

S 51'51'38" E 307.66  
 S 18'45'13" E 531.03

N45'01'45"W 1488.83'  
 CL STA. 642+63.1

N45'01'45"W 1488.83'  
 N29'26'00"W 2285.24'  
 S 245.02' E 248.24'

S 250.14'  
 S 678.48'

## Holly Kveum

---

**From:** Laura Boyce  
**Sent:** Monday, November 09, 2015 9:59 AM  
**To:** Holly Kveum  
**Subject:** FW: FW: Subdivision Revinew Committee agenda and materials for Tuesday, Nov. 10, 5 p.m. in CDD Large Conference Room

Holly,

Can you provide these to the SRC as well?

Thank you,

Laura

**From:** Gretchen Keiser [<mailto:gekeiser@gmail.com>]  
**Sent:** Saturday, November 07, 2015 12:05 AM  
**To:** Laura Boyce; Jonathan Lange  
**Cc:** Ann & Marlyn Turner Olson; Jill Sandleben; Robert Wild  
**Subject:** Re: FW: Subdivision Revinew Committee agenda and materials for Tuesday, Nov. 10, 5 p.m. in CDD Large Conference Room

Hi Laura & Jonathan - thanks for info provided to SRC. Please don't refer to our request as "Keiser Subdivision" as it's more than me. I'd rather not have my name attached to the subdivision. :-) It's Peterson Creek.

A couple comments:

1- Peterson Creek is not an impaired water body, according to State DEC's List of Impaired Waters. I just checked it online. Juneau's impaired waters are Duck, Jordan, Lemon, Vanderbilt... Peterson Creek has no impairment.

2- The USS 1555 Restrictive Covenants prohibit more than one dwelling per lot, unless the lot is a minimum of 6 acres. (Article II - page 6; and Article IV page 7).

So, nine lots of 3-4.8 acres in size would yield only 9 single family dwellings, plus acc apartments. I believe the covenants that run with the land override CBJ dimensional stds on allowable dwellings/parcel.

See you Tuesday,  
Gretchen

On Fri, Nov 6, 2015 at 4:11 PM, Laura Boyce <[Laura.Boyce@juneau.org](mailto:Laura.Boyce@juneau.org)> wrote:

Gretchen,

Attached please find the SRC materials for Tuesday's meeting.

See you then,

Laura

---

**From:** Laura Boyce  
**Sent:** Friday, November 06, 2015 4:11 PM  
**To:** Paul Voelckers; Dan Miller; Ben Haight  
**Cc:** Michael LeVine; Dennis Watson; Matt Bell; Michael Satre; Holly Kveum; Megan Daniels; Beth McKibben; Jill Maclean; Jonathan Lange; Greg Chaney  
**Subject:** Subdivision Revinew Committee agenda and materials for Tuesday, Nov. 10, 5 p.m. in CDD Large Conference Room

Good afternoon, SRC Members,

Attached please find the staff reports and attachments for Tuesday's Subdivision Review Committee meeting. We will discuss the following items:

- A proposed four-lot subdivision along Glacier Highway (MIP2015 0001) - Harris
- A proposed street vacation along Vista Del Sol Drive (STV2015 0001) – Duran Construction LLC
- A proposed nine-lot subdivision on North Douglas Highway (VAR2015 0031) – Peterson Creek Homeowners

If you have any questions about this or need additional information, please let me know. Also, I know a number of the SRC members are not able to attend the meeting. If you wish to provide comments prior to the meeting, please email or call me. Also, if you'd like to call in for the meeting, let me know as well. I can be reached directly at 586-0753.

Thank you,

Laura

Laura A. Boyce, AICP

Senior Planner

City and Borough of Juneau

[907.586.0753](tel:907.586.0753)

[laura.boyce@juneau.org](mailto:laura.boyce@juneau.org)



# Community Development

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

**DATE:** November 6, 2015

**TO:** Subdivision Review Committee

**FROM:** Laura A. Boyce, AICP, Planner *Laura A Boyce*  
Community Development Department

**SUBJECT:** Proposed street vacation for Vista Del Sol Subdivision (STV2015 0001)

## GENERAL INFORMATION

**Applicant:** Duran Construction Company LLC

**Property Owner:** City and Borough of Juneau  
Duran Construction Company LLC

**Legal Description:** Lots 10 and 11, Vista Del Sol II Subdivision

**Parcel Code No.:** 5-B14-0-101-021-0 and 5-B14-0-101-021-1

**Zoning:** D-5 (Residential, 5 dwelling units per acre)

**Access:** Vista Del Sol Drive

**Existing Land Use:** Vacant

**Surrounding Land Use:** North – D-5, Vacant CBJ-owned Land  
South – D-15 and RR, Vacant Land, Glacier Highway  
East – D-18, Currently vacant, but proposed for subdivision  
West – D-5, Glacier Gardens

**Attachment:** Application for STV2015 0001

## Vicinity Map



### PROJECT DESCRIPTION

The owners of Vista Del Sol LLC have requested a street vacation for the portion of Vista Del Sol Drive that abuts the currently vacant property to the east, owned by the Honsinger Family Limited Partnership.

The applicant has requested a street vacation based upon the fact that the street provided connection to a similarly zoned property (D-5) at the time the subdivision was approved and platted. The property has since been rezoned to D-18 which, the applicants assert in their application, changes the nature of the proposed development that would share access on the road. For this reason, they propose a street vacation and re-design of that section of the subdivision to include four lots where two are currently.

CBJ owns land immediately north of the Vista Del Sol subdivision as well as the neighboring Honsinger land. Ideally, a connection to the approximately 730 acre property would open this D-5 zoned property up for development.

Staff supports denial of this request because it is inconsistent with the street connectivity requirements of Title 49, as well as the various Comprehensive Plan policies that pertain to it (see below). Additionally, the street connection requirement was discussed at both of the required plat public hearings. Staff and the Planning Commission reiterated that the street connectivity was required

as well as important for future development. However, staff would like input from the Subdivision Review Committee on the proposed street vacation as well as input regarding street connectivity.

Please know that the application cannot move forward at this time because the application lacks the necessary signatures for processing. However, staff asks that the Subdivision Review Committee provide a recommendation regarding this request, as well any other options that might be considered. Staff would also like input regarding street connectivity in general.

**Title 49 Requirements, the Comprehensive Plan and Related Plan Policies**

The Land Use Code, Title 49, requires connecting streets into adjoining unsubdivided land:

*CBJ 49.35.210 (a) Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:*

- (1) The street system shall provide for connecting streets into adjoining unsubdivided lands.*
- (2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.*
- (3) Traffic calming should be taken into account in street layout and design.*

The Comprehensive Plan, the Area Wide Transportation Plan, and the Juneau Non-Motorized Transportation Plan all call for a connecting street system. Such policies include the following:

**Comprehensive Plan:**

**POLICY 8.5 TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT PEOPLE AND COMMODITIES.**

8.5 – DG4 Minimize access roadways or driveways onto major and minor arterial roadways or highways by requiring shared access points, such as a frontage road, and connections to adjacent subdivisions’ roadways that lead to a “downstream” controlled or grade-separated intersection.

**Area Wide Transportation Plan (AWTP):**

One of the six top priority transportation system improvements from the Area Wide Transportation Plan includes:

- (3) Develop Local Street Connections/Access Management. The AWTP seeks to develop local street connections between subdivisions and adjacent local or collector streets to maximize*

*connectivity and minimize local vehicle trips on principal roadways. Where feasible, connect streets for pedestrian, bicycle and vehicle use. Improve connections from neighborhoods to a regional (interconnected Borough-wide) non-motorized trail system.*

**Juneau Non-Motorized Transportation Plan:**

p. 27 New neighborhoods should have a highly connected street network. Cul-de-sacs are generally discouraged, but if they are necessary, bicycle and pedestrian connections should be provided to connect the ends of cul-de-sacs.

p. 29 Juneau's streets and neighborhoods are developed along the shore and the valleys between the mountains, Mendenhall Glacier and the Gastineau Channel. As a result, Juneau has a fairly linear layout which has both benefits and drawbacks to non-motorized transportation. The lack of compact densities means that distances are further between neighborhoods and work areas. However, because of the limited number of possible routes, many of the developed areas of Juneau can be interconnected with a small number of facilities.

# DEVELOPMENT PERMIT APPLICATION

<b>Project Number</b>	<b>CITY and BOROUGH of JUNEAU</b>	<b>Date Received:</b> <span style="color: red; font-size: 1.2em;">8/13/15</span>
<b>Project Name</b> (City Staff to Assign Name)		

<b>INFORMATION</b>	<b>Project Description</b> Street Vacation - a portion of Vista del Sol Drive		
	<b>PROPERTY LOCATION</b>		
	<b>Street Address</b> Vista del Sol Drive	<b>City/Zip</b> Juneau, AK 99801	
	<b>Legal Description(s) of Parcel(s)</b> (Subdivision, Survey, Block, Tract, Lot)		
	<b>Assessor's Parcel Number(s)</b> <span style="font-size: 1.2em;">5B1401010210, 5B1401010211</span>		
	<b>LANDOWNER/ LESSEE</b>		
	<b>Property Owner's Name</b> Duran Construction Company, LLC	<b>Contact Person:</b> Marciano Duran	<b>Work Phone:</b> 780-6161
	<b>Mailing Address</b> PO Box 32634, Juneau, AK 99803	<b>Home Phone:</b>	<b>Fax Number:</b> 780-6162
	<b>E-mail Address</b> duran@acsalaska.net	<b>Other Contact Phone Number(s):</b>	
	<b>LANDOWNER/ LESSEE CONSENT</b> <span style="float: right;">****Required for Planning Permits, not needed on Building/ Engineering Permits****</span>		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
<b>X</b>	 _____ Landowner/Lessee Signature	<span style="color: red; font-size: 1.2em;">8/13/15</span> _____ Date	
<b>X</b>	_____ Landowner/Lessee Signature	_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> <span style="float: right;">If the same as OWNER, write "SAME" and sign and date at X below</span>			
<b>Applicant's Name</b> Duran Construction Company LLC	<b>Contact Person:</b> Marciano Duran	<b>Work Phone:</b> 780-6161	
<b>Mailing Address</b> PO Box 32634, Juneau, AK 99803	<b>Home Phone:</b>	<b>Fax Number:</b> 780-6162	
<b>E-mail Address</b> duran@acsalaska.net	<b>Other Contact Phone Number(s):</b>		
<b>X</b>	 _____ Applicant's Signature	<span style="color: red; font-size: 1.2em;">8/13/15</span> _____ Date of Application	

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

<b>STAFF APPROVALS</b>	<input checked="" type="checkbox"/>	<b>Permit Type</b>	***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)			
	<input checked="" type="checkbox"/>	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		8/13/15	STV 15 - CC 1
		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.					
<b>Comments:</b>					<b>Permit Intake Initials</b> <span style="font-size: 1.5em; color: black;">JKL</span>

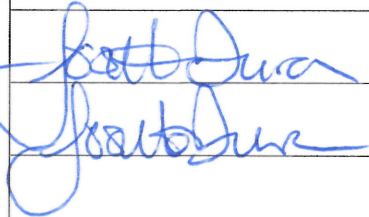
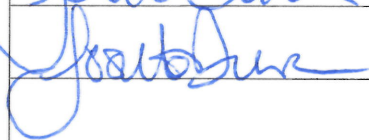
NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS



**PROPERTY OWNERS ADJACENT TO PROPERTY TO BE VACATED**

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

- A. This application for a Street Vacation review adjacent to my (our) property is made with my (our) 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.

Landowner's Signature	Landowner's Name (Printed)	Street Address	Length of Frontage Along Right-of-Way	Percentage of Total Frontage
	Josette Duran for Duran Const. Co LLC	7543 Vista del Sol Dr.	163.25	43%
	"	7550 Vista del Sol Dr.	213.47	57%
<b>Total Percent of Frontage along Right-of-Way Proposed to be Vacated by this Petition</b>				100%

T&N ENG. MONUMENT RECOVERED THIS SURVEY  
 DOT MONUMENT IN CASING RECOVERED THIS SURVEY  
 MONUMENT RECOVERED THIS SURVEY  
 JW BEAN  
 RY MONUMENT SET THIS SURVEY BY J.W. BEAN  
 RY JW BEAN MONUMENT RECOVERED THIS SURVEY

--- SURVEYED  
 --- UNSURVEYED  
 --- CENTERLINE  
 --- SURVEY TIE LINE  
 --- EASEMENT  
 --- DRAINAGE EASEMENT

TYPICAL SECONDARY MON.  
 1-1/4" YELLOW PLASTIC CAP  
 5/8" REBAR, 36" LONG

2011-16  
 DIMENSIONS DIFFERENT FROM MEASURED OR  
 DIMENSIONS ARE SHOWN IN PARENTHESES. ALL  
 INFORMATION THIS SURVEY FROM PLAT NO. 95-56  
 DEL. SOL. SUBDIVISION, PHASE I, PLAT NO. 2011-16  
 HERWISE NOTED.

**OF BEARING**  
 BEARING FOR THIS PLAT IS THE RECORD BEARING OF  
 M A FOUND 3" ALUMINUM MONUMENT BEING THE  
 CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568  
 DEL. SOL. SUBDIVISION, PHASE I, PLAT NO. 2011-16  
 LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN  
 PLAT NO. 95-56.

**RATE OWNERSHIP CERTIFICATE:**  
 CERTIFY THAT DURAN CONSTRUCTION CO, LLC IS THE OWNER OF THE  
 SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGER/ MEMBER  
 OF THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND TO  
 ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO  
 PRIVATE USE AS NOTED.

*[Signature]*  
 2012  
 MANAGER/ MEMBER

**ACKNOWLEDGMENT:**  
 STATES OF AMERICA } S.S.  
 ALASKA }

I CERTIFY THAT ON THIS 28<sup>th</sup> DAY OF June, 2012  
 I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF  
 ALASKA COMMISSIONED AND SWORN, PERSONALLY APPEARED  
 G. DURAN, MANAGER/ MEMBER

OWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE  
 FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY  
 DID SO FREELY AND VOLUNTARILY FOR THE USES  
 SET FORTH THEREIN MENTIONED.

MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE  
 ARE HEREBY WRITTEN.

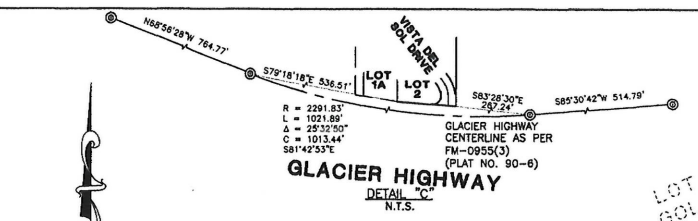
Notary Public for Alaska T. Don Reed  
 My Commission Expires 3/21/12

**PLANNING COMMISSION CERTIFICATE OF APPROVAL**  
 I CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY  
 WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU.  
 THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT  
 NO. 5147 2011 0001 DATED: JUNE 26, 2012.  
 THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN  
 THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

*[Signature]*  
 2012  
 CHAIRMAN  
 CITY & BOROUGH OF JUNEAU  
 PLANNING COMMISSION

**DATE OF REGISTERED LAND SURVEYOR**  
 I CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN  
 THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY  
 ME UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS  
 GUARANTEED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS  
 48.05 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL  
 BEARINGS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE  
 SET AND NOTED UPON THIS PLAT AS PRESENTED.

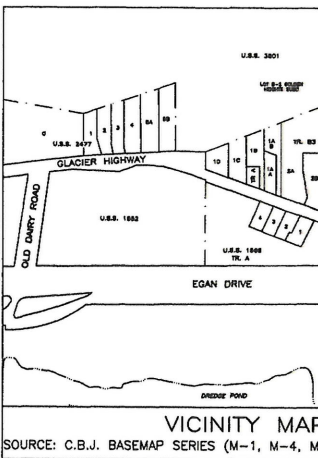
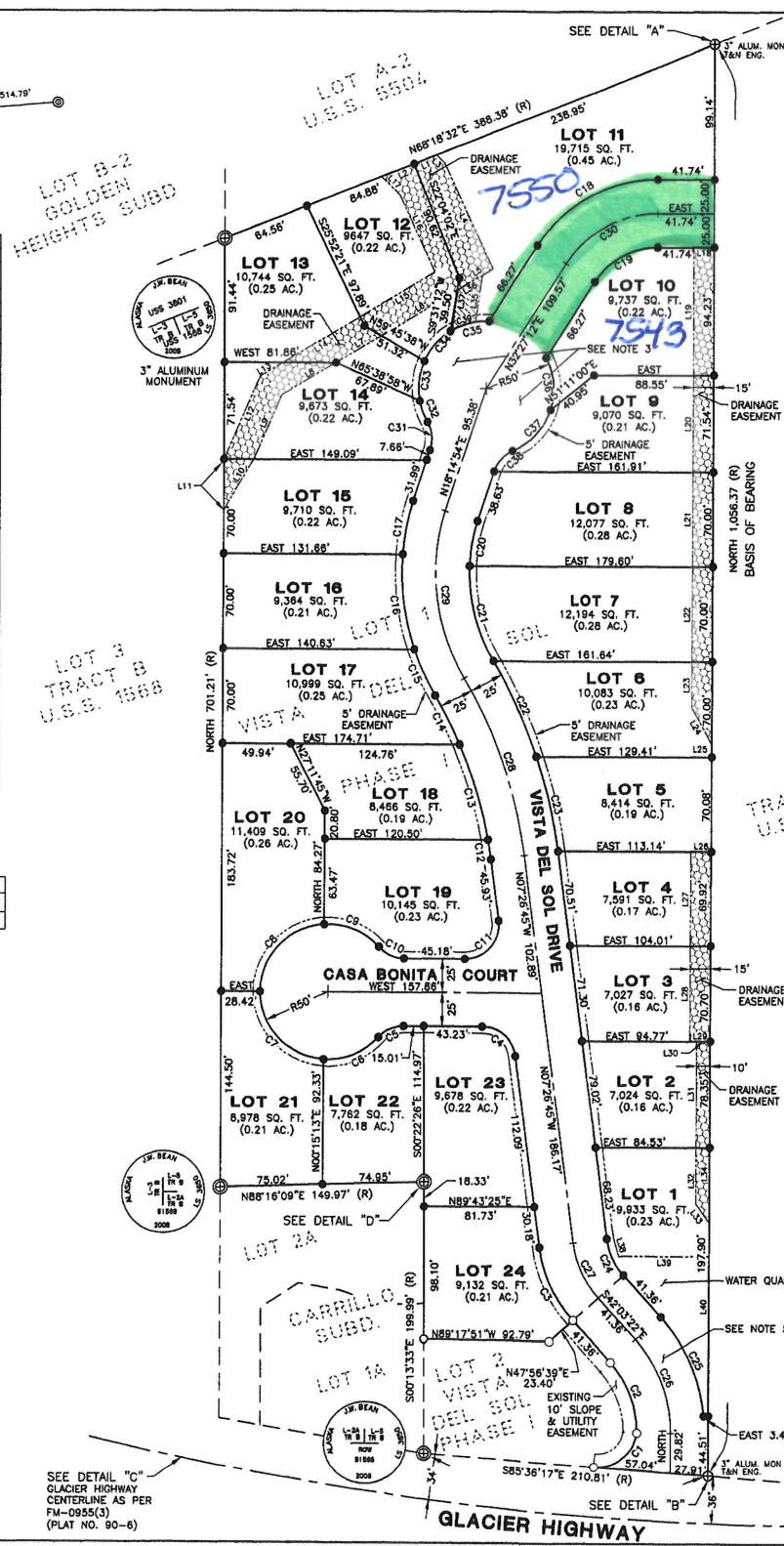
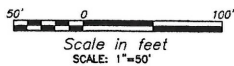
27-2012



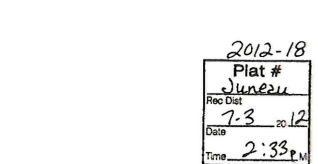
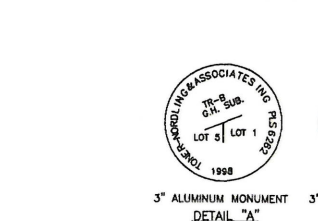
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	85°22'28"	30.08	44.82	N51°23'54"E 40.79'
C2	42°03'22"	77.00	56.52	N21°01'41"W 55.28'
C3	34°38'37"	100.00	80.41	S24°45'03"E 59.49'
C4	82°33'15"	25.00	36.02	N48°43'36"W 32.99'
C5	48°11'30"	25.00	21.03	S85°29'24"W 20.41'
C6	51°28'59"	50.00	44.90	N67°44'54"E 43.41'
C7	86°31'57"	50.00	75.51	S43°15'58"E 66.54'
C8	86°32'03"	50.00	75.52	S43°16'01"W 66.54'
C9	51°28'59"	50.00	44.90	N67°44'18"W 43.40'
C10	48°11'17"	25.00	21.03	S85°28'57"E 20.41'
C11	97°28'45"	25.00	42.52	N41°16'36"E 37.58'
C12	240°11'	17.07	14.77	N08°46'51"W 14.77'
C13	13°18'20"	317.07	73.63	N19°46'08"W 73.47'
C14	7°18'23"	317.07	40.52	N27°04'57"W 40.50'
C15	12°01'43"	178.33	37.43	S24°43'48"E 37.37'
C16	22°48'30"	178.33	71.04	S07°18'11"W 70.57'
C17	12°58'41"	178.33	40.39	S10°35'54"W 40.31'
C18	57°32'48"	105.00	105.48	S81°13'36"W 101.08'
C19	57°32'48"	55.00	55.24	S81°13'36"W 52.95'
C20	16°07'28"	128.33	33.88	S09°31'31"W 33.78'
C21	32°42'28"	128.33	73.28	N14°23'42"W 73.47'
C22	12°03'02"	367.07	77.20	N24°43'08"W 77.05'
C23	11°14'51"	367.07	72.06	N13°04'11"W 71.94'
C24	34°38'37"	50.00	30.20	S24°45'03"E 29.75'
C25	36°23'09"	127.00	80.65	N23°51'47"W 79.30'
C26	42°03'22"	102.00	74.87	N21°01'41"W 73.20'
C27	34°38'37"	75.00	45.30	S24°45'03"E 44.62'
C28	20°17'54"	342.07	139.10	N19°05'42"W 138.14'
C29	47°49'54"	153.33	128.00	S08°49'42"E 124.32'
C30	57°32'48"	80.00	80.35	S81°13'36"W 77.02'
C31	48°58'57"	25.00	21.37	N05°28'42"W 20.73'
C32	16°12'28"	50.00	16.76	S20°20'05"E 16.68'
C33	34°23'05"	50.00	30.01	S06°27'41"W 29.56'
C34	34°22'19"	50.00	30.00	S40°50'23"W 29.55'
C35	34°23'40"	50.00	30.04	S75°14'22"W 29.59'
C36	49°27'02"	50.00	39.66	N04°49'17"W 39.59'
C37	48°43'10"	50.00	42.52	N42°15'50"E 41.25'
C38	48°38'24"	25.00	21.21	S41°47'05"W 20.58'

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C39	02°02'39"	50.00'	18.22'	S70°18'46"W 18.12'

LINE	BEARING	DISTANCE
L1	N88°18'32"E	17.84'
L2	N88°18'32"E	29.82'
L3	S42°38'42"E	8.78'
L4	S24°48'51"E	85.56'
L5	S52°02'23"W	30.72'
L6	S52°02'23"W	64.47'
L7	S52°02'23"W	39.76'
L8	S52°02'23"W	48.31'
L9	S23°08'50"W	51.90'
L10	S24°58'07"W	43.89'
L11	NORTH	32.77'
L12	N23°08'50"E	86.92'
L13	N85°02'23"E	16.45'
L14	N85°02'23"E	85.67'
L15	N85°02'23"E	84.44'
L16	N24°48'51"E	82.43'
L17	N42°38'42"W	19.18'
L18	EAST	15.00'
L19	NORTH	84.23'
L20	NORTH	71.54'
L21	NORTH	70.00'
L22	NORTH	70.00'
L23	NORTH	33.85'
L24	S88°48'39"E	31.13'
L25	NORTH	8.97'
L26	NORTH	15.00'
L27	NORTH	89.82'
L28	NORTH	70.00'
L29	EAST	15.00'
L30	EAST	10.00'
L31	NORTH	78.35'
L32	NORTH	41.81'
L33	S52°02'56"E	17.41'
L34	NORTH	56.08'
L35	S8°21'23"W	35.48'
L36	N52°02'23"E	20.67'
L37	S10°16'31"E	29.88'
L38	S16°23'08"E	13.99'
L39	EAST	66.78'
L40	NORTH	117.48'



VICINITY MAP  
 SOURCE: C.B.J. BASEMAP SERIES (M-1, M-4, M-5)



- NOTES:
1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS ORIENTED TO THE BASIS OF BEARINGS.
  2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  3. IF VISTA DEL SOL DRIVE IS EXTENDED TO THE WEST AS SHOWN, PORTIONS OF THE CURVE RIGHT-OF-WAY MAY BE VACATED THROUGH AN ADJACENT SUBDIVISION PROCESS.
  4. DOMESTIC WATER AND SANITARY SEWER DISPOSAL BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES DEPARTMENT.
  5. VISTA DEL SOL SUBDIVISION PHASE I ACCESS A VACATED THIS PLAT AND DEDICATED AS RIGHT-OF-WAY.

**VISTA DEL SOL SUBDIVISION PHASE II**  
 A SUBDIVISION OF  
**LOT 1, VISTA DEL SOL SUBDIVISION PHASE I**  
 WITHIN U.S. SURVEY NO. 1568  
 CITY & BOROUGH OF JUNEAU  
 JUNEAU RECORDING DISTRICT

OWNERS:  
 DURAN CONSTRUCTION CO. LLC  
 PO BOX 32634  
 JUNEAU, ALASKA 99803

SURVEY BY:  
 JW BEAN  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC  
 JUNEAU, ALASKA

SHEET 1 OF 1  
 SCALE: 1"=50' DATE: 6-27-2012 PROJ: 0701

2012-18  
 Plat #  
 Juneau  
 Rec Dist  
 7-3  
 Date  
 Time 2:38 P.M.

Proposed

- LEGEND**
- ⊕ PRIMARY T&M ENG. MONUMENT RECOVERED THIS SURVEY
  - ⊙ PRIMARY MONUMENT RECOVERED THIS SURVEY
  - ⊖ 3" ALUM. JW BEAN
  - SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
  - SECONDARY JW BEAN MONUMENT RECOVERED THIS SURVEY
- \_\_\_\_\_ SURVEYED  
 \_\_\_\_\_ UNSURVEYED  
 \_\_\_\_\_ CENTRALINE  
 \_\_\_\_\_ SURVEY TIE LINE  
 \_\_\_\_\_ LOT LINE VACATED  
 \_\_\_\_\_ EASEMENT  
 \_\_\_\_\_ DRAINAGE EASEMENT
- TYPICAL SECONDARY MOH.  
 3" ALUMINIUM CAP  
 5/8" REBAR, 35" LONG

R-PLAT NO. 2012-10

**BASIS OF BEARING**  
 BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINIUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINIUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.

**CORPORATE OWNERSHIP CERTIFICATE:**  
 I HEREBY CERTIFY THAT DURAN CONSTRUCTION CO. LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGER/ MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date: \_\_\_\_\_, 2015

Owner: \_\_\_\_\_  
 MARCHIO G. DURAN  
 MANAGER/ MEMBER

**NOTARY ACKNOWLEDGMENT:**  
 UNITED STATES OF AMERICA )  
 ) S.S.  
 STATE OF ALASKA )

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SHOWN, PERSONALLY APPEARED MARCHIO G. DURAN, MANAGER/ MEMBER

TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY 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 \_\_\_\_\_

**PLANNING COMMISSION CERTIFICATE OF APPROVAL**  
 I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA 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.

DATE: \_\_\_\_\_, 2015.  
 ATTEST: \_\_\_\_\_  
 CHAIRMAN  
 CITY & BOROUGH OF JUNEAU  
 PLANNING COMMISSION

CLERK  
 CITY & BOROUGH OF JUNEAU

**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, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, A 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.

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



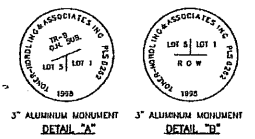
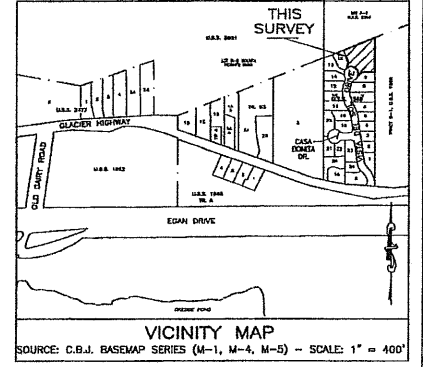
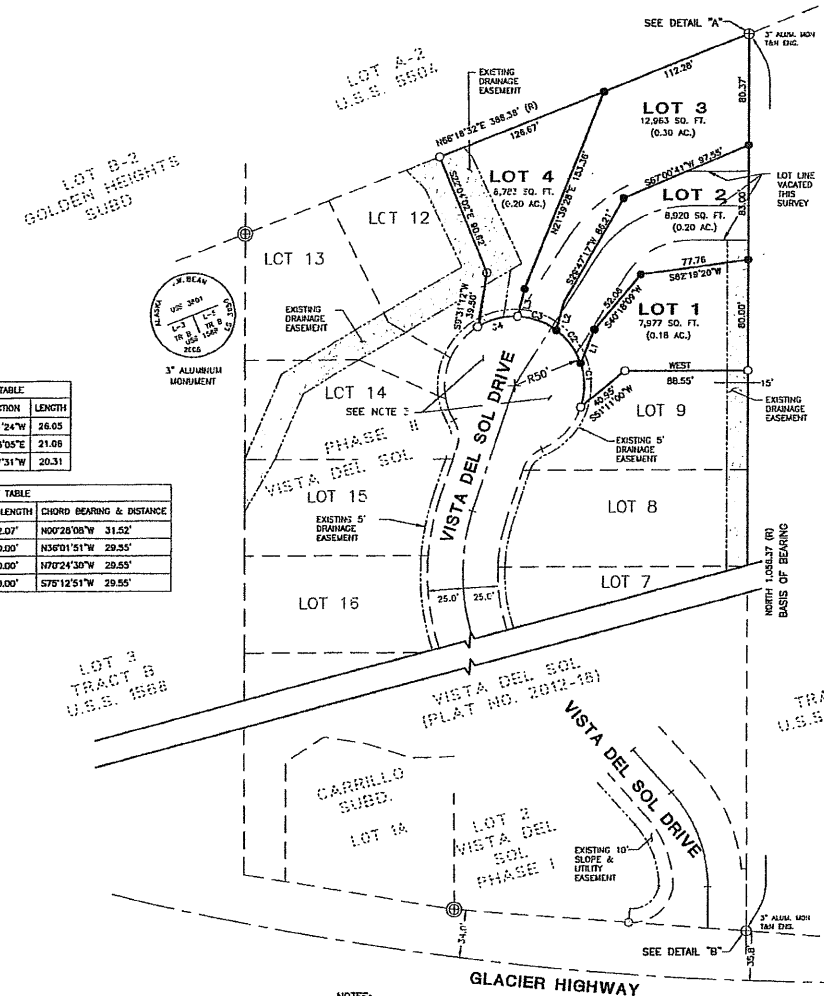
**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA  
 (907) 469-6290  
 SURVEYOR - PLANNER  
 PROJ. #791-CASA-DEL-SOL-PI3

**LINE TABLE**

LINE #	DIRECTION	LENGTH
L1	S22°31'24"W	26.05
L2	N15°03'05"E	21.09
L3	S14°17'31"W	20.31

**CURVE TABLE**

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	36°44'46"	50.00'	32.07'	N00°28'08"W 31.52'
C2	34°22'39"	50.00'	30.00'	N36°01'51"W 29.55'
C3	34°22'39"	50.00'	30.00'	N70°24'30"W 29.55'
C4	34°22'39"	50.00'	30.00'	S75°12'51"W 29.55'



PLAT OF  
**VISTA DEL SOL SUBDIVISION  
 PHASE III**  
 A REPLAT OF  
 LOTS 10 AND 11 AND VACATION OF THE  
 NORTHLY END OF VISTA DEL SOL DRIVE  
 SUBDIVISION PHASE II  
 WITHIN U.S. SURVEY NO. 1668  
 CITY & BOROUGH OF JUNEAU, ALASKA  
 JUNEAU RECORDING DISTRICT

- NOTES:**
- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING.
  - ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  - IF VISTA DEL SOL DRIVE IS EXTENDED TO THE ADJACENT PROPERTY, CONSTRUCTED TO C.E.B. STANDARDS AND ACCEPTED FOR MAINTENANCE BY THE PUBLIC WORKS PORTIONS OF THE CURVE SAC ROOF-OF-NEW MAY BE VACATED THROUGH AN APPROPRIATE SUBDIVISION PROCESS.
  - DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
  - THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY THE ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

OWNERS:  
 DURAN CONSTRUCTION CO. LLC  
 PO BOX 32634  
 JUNEAU, ALASKA 99803

SURVEYOR:  
 J.W. BEAN, INC.  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801

SCALE: 1"=40' DATE: 7-06-2015 SHEET 1 OF 1

F:\DAN\BEAN\791-VISTA-DEL-SOL-PI3-PLAT-PROJING 7/26/2015 10:00 AM PST

Packet Page 66 of 88



# Community Development

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

**DATE:** November 6, 2015

**TO:** Subdivision Review Committee

**FROM:** Jill Maclean, Planner *Jill Maclean*  
Community Development Department

**FILE NO.:** MIP2015 0001

**PROPOSAL:** A Preliminary Plat for a 4-lot minor subdivision at 7400 Glacier Highway

## GENERAL INFORMATION

**Applicant:** Richard Harris

**Property Owner:** Honsinger Family Limited Partnership and TKP LLC

**Legal Description:** U.S. Survey 1568

**Parcel Code No.:** 5-B14-0-101-001-0

**Site Size:** 20.37 acres

**Zoning:** D-18

**Access:** Glacier Highway

**Existing Land Use:** Vacant Land

**Surrounding Land Use:** North – D5, CBJ-owned Vacant Land  
South – D15, Vacant Land and RR owned by Bricknell  
East – D5, Vacant Land, Alaska Mental Health Trust  
West – D5, Vista Del Sol Subdivision

## PROJECT DESCRIPTION

The applicant is requesting preliminary plat approval for a 4-lot minor subdivision of U.S.S. 1568 – 7400 Glacier Highway (Attachment A). The property was rezoned from D-5 to D-18 and is located off Glacier Highway across from the airport. The D-18 zoning district is intended to accommodate primarily multi-family development at a density of 18 units per acre, including midrise-type development.

The parcel is approximately 851 feet wide and 1300 feet deep. Throughout the parcel, there are elements of the property that may limit the design and layout of future lots, such as wetlands.

## ANALYSIS

Per CBJ§49.15.460 *Design*, staff is required to evaluate all minor subdivisions according to the following:

### 49.15.424 - Access.

(a) *Principal access to the subdivision.* Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements.

(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. These requirements for frontage and access can be accomplished by:

- (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
- (2) Use of an existing publicly maintained street;
- (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
- (4) A combination of the above.

### 49.35.210 - Street system.

(a) *[In general.]* Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

- (1) The street system shall provide for connecting streets into adjoining unsubdivided lands.
- (2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.
- (3) Traffic calming should be taken into account in street layout and design.

Additionally, in an October 2, 2015 email from Joe Buck at the Department of Transportation and Public Facilities, he states:

“CBJ laid out the access road to the new PW facility at 7-mile Old Glacier Highway with the intent of it being upgraded in the future to a public street to serve as access to the adjacent double tier of lots owned by Alaska Mental Health Trust (AMHT), US Survey 3259 Lots 33 through 53. Lot 42 of the AMHT lands is just to the east of the large Honsinger property that Mr. Harris is looking to subdivide. The old

development plan was for there to be three roads coming off the mountainside onto Glacier Highway; one at approximately the Vista Del Sol location, one through Lot 42, and one at the CBJ PW facility access road. This access road arrangement would space out the major intersections along Old Glacier Highway and would facilitate development of both the private and public lands on the south facing slope of Heitzelman Ridge. Who knows how the development will actually work out, but that is what was discussed starting sometime in the mid-1980's and continued through 2011 when I left the CBJ.

The upper terminus of the Vista Del Sol Street is perfectly aligned to provides the necessary cross slope road alignment through the upper portion of the Honsinger property and through the center of the AMHT properties to the CBJ PW Facility access road. At this point I think it would be a mistake to consider vacation of the street between Lots 10 and 11 of Vista Del Sol because of this needed future access. I should think that Mr. Harris should approach AMHT about constructing a street up the hill through Lot 42 and then doing loops through the Honsinger property instead of cul-de-sacs; better street design for emergency response, snow plowing and maintenance, and for utility configurations.”

**ISSUES:**

CDD Staff has concerns regarding the proposed subdivision. Therefore, staff is requesting guidance from the Subdivision Review Committee concerning these items. Following is a short list of these concerns and various perspectives on each:

1. Frontage & Access –
  - a. The proposed lots do not have access from a publically maintained right-of-way. A variance is needed, which was not submitted with the application.
  - b. The preliminary plat utilizes access off an unconstructed street (Vista Del Sol), which has not been accepted by the CBJ, and which does not conform to public standards.
  - c. The developer of Vista Del Sol is requesting a vacation of the unconstructed street, therefore eliminating the access and frontage that is intended for Lot 4 on the preliminary plat;
  - d. The proposed shared access and utility easement off Glacier Highway is encompassed by a wetland;
  - e. The design is also significantly different than what was proposed at the pre-application meeting.
  
2. Connectivity – The preliminary plat does not provide a subdivision street system, further it lacks connectivity that is most advantageous for development of the entire neighborhood area.

# MINOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 4 OR FEWER LOTS)

Project Number	Project Name (15 characters)	Case Number <u>MIP 20150001</u>	Date Received <u>10/16/15</u>
----------------	------------------------------	------------------------------------	----------------------------------

### TYPE OF MINOR SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

<input type="checkbox"/> Zero Lot Line (Common Wall) (SMN)	<input type="checkbox"/> "Panhandle" Subdivision (SMN)
<input type="checkbox"/> Accretion Survey (SMN)	<input type="checkbox"/> Boundary Adjustment (SMN)
<input type="checkbox"/> Lot Consolidation (SLC)	<input checked="" type="checkbox"/> Subdivisions resulting in 4 or fewer lots (SMN)
<input type="checkbox"/> Bungalow Lot Subdivision (SMN)	<input type="checkbox"/> Other _____

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:

7400 Glacier Hwy. USS 1568 TR-131 JUNEAV  
RECORDING DIST.

CBT PARCEL # 5B1401010010

Number of Existing Parcels 1 Total Land Area 19 acres Number of Resulting Lots or Parcels 4

### HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS:

NO  YES If Yes, provide the Case Number \_\_\_\_\_

### EXISTING BUILDING(S) OR STRUCTURES ON THE LAND:

YES  NO

### CURRENT USE OF LAND OR BUILDING(S):

VACANT

### PROPOSED USE OF LAND OR BUILDING(S):

The proposed use of the land is for future Residential Development, the current proposed minor subdivision is to accommodate the owners of the land.

### UTILITIES AVAILABLE:

WATER:  Public  On Site SEWER:  Public  On Site

### UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

the land is unique since it is gently sloping with southern exposure, and close proximity to schools & shopping.

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 FEES

Fees	Check No.	Receipt	Date
Application Fees \$ <u>500</u>	_____	<u>CDD7274</u>	<u>10/16</u>
Admin. of Guarantee \$ _____	_____	_____	_____
Adjustment \$ _____	_____	_____	_____
Total Fee \$ <u>500</u>	_____	_____	_____

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

TO BE COMPLETED BY THE APPLICANT

# DEVELOPMENT PERMIT APPLICATION Packet Page 71 of 88

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <u>10/16/15</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>Zone Change D-5 To D-18 , and Subsequent Subdivision</u>		
	<b>PROPERTY LOCATION</b>		
	Street Address <u>7400 Glacier Hwy.</u>	City/Zip <u>Juneau</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>USS 1568 TR-B1 Juneau Recording Dist.</u>		
	Assessor's Parcel Number(s) <u>5B1401010010</u>		
	<b>LANDOWNER/LESSEE</b>		
	Property Owner's Name <u>Honsinger Family Limited Partnership &amp; TKP L.L.C</u>	Contact Person: <u>BULLY MILLER</u>	Work Phone:
	Mailing Address <u>PO BOX 20490 JUNEAU AK 99802</u>	Home Phone: <u>797-6311</u>	Fax Number: <u>790-7225</u>
	E-mail Address <u>N/A</u>	Other Contact Phone Number(s): <u>321-4037</u>	
	<b>LANDOWNER/LESSEE CONSENT</b>		
<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p>			
X <u>Bully Miller, General Partner</u> Landowner/Lessee Signature		<u>1/23/15</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b>			
Applicant's Name <u>Richard Harris</u>			
Mailing Address <u>P.O. Box 32403 Juneau Ak, 99803</u>	Contact Person: <u>Rich</u>	Work Phone: <u>907-723-4791</u>	
E-mail Address <u>rhdevelopment@gei.net</u>	Home Phone:	Fax Number: <u>907-790-4147</u>	
Other Contact Phone Number(s):			
X <u>[Signature]</u> Applicant's Signature		<u>10/15/2015</u> Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	<input checked="" type="checkbox"/>	<b>Permit Type</b>	<b>Sign</b>	<b>Date Received</b>	<b>Application Number(s)</b>
		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)		<u>10-16-15</u>	<u>MIP 20150001</u>
		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)				
Comments:					<b>Permit Intake Initials</b>
<p>***Public Notice Sign Form filled out and in the file.</p>					<p>_____</p> <p>_____</p>

## MINOR SUBDIVISION SUBMITTAL REQUIREMENTS

Each application for a Minor Subdivision is reviewed under the Community Development Department, Planning Division approval process.

**Application:** An application for a Minor Subdivision will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

**Forms:** A completed Minor Subdivision Or Platting Application form and Development Permit Application form. The "land owner or lessee consent" signature and initials are mandatory on the Development Permit Application form.

**Fees:** The fee is dependent upon the type of subdivision and the number of parcels involved. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

**Project Description:** A detailed letter or narrative describing the project.

**Submittals:** The Minor Subdivision shall be prepared by a professional land surveyor licensed to practice in the state of Alaska

- A. Plat
- B. Closure Report
- C. As-built Survey (May be required if there are existing structures on the lot)

**Document Format:** All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. 5 Paper copies may not be larger than 24" X 36" in size (Unless an alternate paper size is preapproved by the Community Development Department).

**Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Permit Center at 586-0770 or via e-mail at [Permits@ci.juneau.ak.us](mailto:Permits@ci.juneau.ak.us).**

**Application Review & Recording Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review and eventual recording of the final document. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Recording:** Once the plat and as-built survey have been reviewed and approved by Community Development Department, the applicant will need to submit two (2) mylar copies of the approved plat with the appropriate signatures (If necessary, the Community Development Department has Notary Publics available to witness the signing of the plat). Prior to recording, it will be the responsibility of the applicant to make sure all taxes, assessments, and/or improvement bonds have been paid. The Community Development Department will then record that plat the Alaska Department of Natural Resources Juneau District Recorder's Office.

## MINOR LOT CONSOLIDATION SUBMITTAL REQUIREMENTS

In the case of a Minor Lot Consolidation application, the Community Development Department will determine whether the applicant will be required to follow the platting submittal requirements above or be able to utilize the "Notice of Minor Lot Consolidation" form.

**PLEASE NOTE: An Authorization to Subdivide form will be required between the dates of January 1 and June 30 for any subdivision activity. The Authorization to Subdivide form allows for the appropriate property tax billing to occur when a parcel is subdivided between January 1 and June 30.**

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

10/ 15/2015

Attn:

Community Development Dept.

155 S. Seward Street  
Juneau, Alaska 99801

Minor Subdivision Narrative,

The proposed use of the land is for future residential land development, the current proposed Minor subdivision is for financial reasons, and to accommodate the ownership of the land. The parcels will require a Major development application in the future, when a housing project is proposed.

Thank you

Richard A. Harris,

A handwritten signature in black ink, appearing to read 'Richard A. Harris', written in a cursive style.

TRACT B-1

LOT 2

Set description: (No description)  
 Area: 87,012.91  
 Perimeter: 2.00  
 Closure: 1,175.38  
 0.00

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,508			19,895.1138	22,067.7717	252.42	0+00.00
4,131	S0°00'00"W	250.00				
1,485	S83°15'29"W	303.89	19,645.1138	22,067.7717	252.42	2+50.00
	Radius:	25.00	19,609.4383	21,765.9878	-----	5+53.89
	Delta:	72°22'05"				
	Arc length:	31.58				
	Tangent:	18.29				
	Chord bearing:	N48°22'16"W				
1,527			19,629.0480	21,743.9234	-----	5+85.46
1,487	N0°00'00"E	266.07			-----	8+51.53
1,508	N90°00'00"E	323.85	19,895.1138	21,743.9234	-----	11+75.38
			19,895.1138	22,067.7717	252.42	

Set description: (No description)  
 Area: 113,108.64  
 Perimeter: 2.60  
 Closure: 1,339.17  
 0.00

LOT 3

Point #	Direction	Distance	Northing	Easting	Elevation	Station
918			19,895.1138	21,693.9234	-----	0+00.00
917	N90°00'00"W	373.88			-----	3+73.88
4,125	S0°00'00"W	306.41	19,895.1138	21,320.0434	-----	6+80.29
915	N89°04'56"E	312.96	19,588.6999	21,320.0434	252.42	9+93.25
1,427	N83°15'29"E	33.26	19,593.7124	21,632.9593	252.42	10+26.51
	Radius:	30.00	19,597.6170	21,665.9889	-----	
	Delta:	88°59'23"				
	Arc length:	46.59				
	Tangent:	29.48				
	Chord bearing:	N41°37'45"E				
905			19,629.0482	21,693.9234	-----	10+73.10
918	N0°00'00"E	266.07			-----	13+39.17
			19,895.1138	21,693.9234	-----	

Set description: (No description)

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OCT 16 2015

PERMIT CENTER/CDD

MFP 20150001

Area: 399,708.34  
 Perimeter: 3,185.85  
 Closure: 0.00

LOT 3

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,513			20,409.7999	22,067.7717	-----	0+00.00
	N89°59'53"W	747.73				
326			20,409.8238	21,320.0434	-----	7+47.73
	S0°00'00"W	514.71				
917			19,895.1138	21,320.0434	-----	12+62.44
	N90°00'00"E	373.88				
918			19,895.1138	21,693.9234	-----	16+36.32
	S0°00'00"W	266.07				
905			19,629.0482	21,693.9234	-----	19+02.38
	Radius:	30.00				
	Delta:	88°59'23"				
	Arc length:	46.59				
	Tangent:	29.48				
	Chord bearing:	S41°37'45"W				
1,427			19,597.6170	21,665.9889	-----	19+48.98
	N83°15'29"E	100.70				
1,485			19,609.4383	21,765.9878	-----	20+49.67
	Radius:	25.00				
	Delta:	72°22'05"				
	Arc length:	31.58				
	Tangent:	18.29				
	Chord bearing:	N48°22'16"W				
1,527			19,629.0480	21,743.9234	-----	20+81.25
	N0°00'00"E	266.07				
1,487			19,895.1138	21,743.9234	-----	23+47.32
	N90°00'00"E	323.85				
1,508			19,895.1138	22,067.7717	252.42	26+71.16
	N0°00'00"E	514.69				
1,513			20,409.7999	22,067.7717	-----	31+85.85

Set description: (No description)  
 Area: 286,957.94  
 Perimeter: 2,319.91  
 Closure: 0.00

LOT 4

Point #	Direction	Distance	Northing	Easting	Elevation	Station
518			20,644.9799	21,320.0434	252.42	0+00.00
	S0°00'00"W	235.16				
326			20,409.8238	21,320.0434	-----	2+35.16
	N90°00'00"E	747.73				
36			20,409.8238	22,067.7717	252.42	9+82.88
	N0°00'00"E	532.39				
542			20,942.2138	22,067.7717	-----	15+15.27
	S68°19'17"W	804.64				
518			20,644.9799	21,320.0434	252.42	23+19.91

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OCT 16 2015

PERMIT CENTER/CDD

MIP20150001

**LEGEND**

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY  
3" ALUMINUM MONUMENT, T&N ENGINEERING
- SECONDARY MONUMENT RECOVERED THIS SURVEY  
REBAR & CAP, SET BY JW BEAN
- SURVEYED
- - - UNSURVEYED
- CENTERLINE
- SURVEY TIE
- - - EASEMENT
- - - EASEMENT
- WATER LINE
- - - SEWER LINE
- - - ELECTRIC
- - - DRIVEWAY
- - - STORM DRAIN
- ⊙ SANITARY MANHOLE
- ⊗ WATER VALVE
- CLEANOUT
- POWER POLE
- ⊕ FIRE HYDRANT

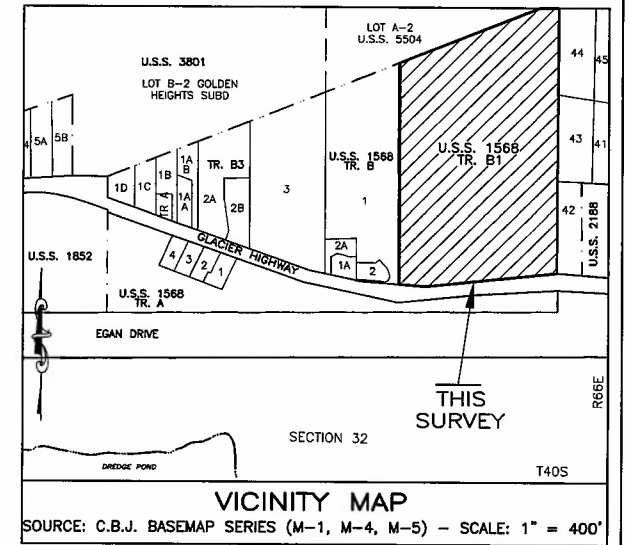
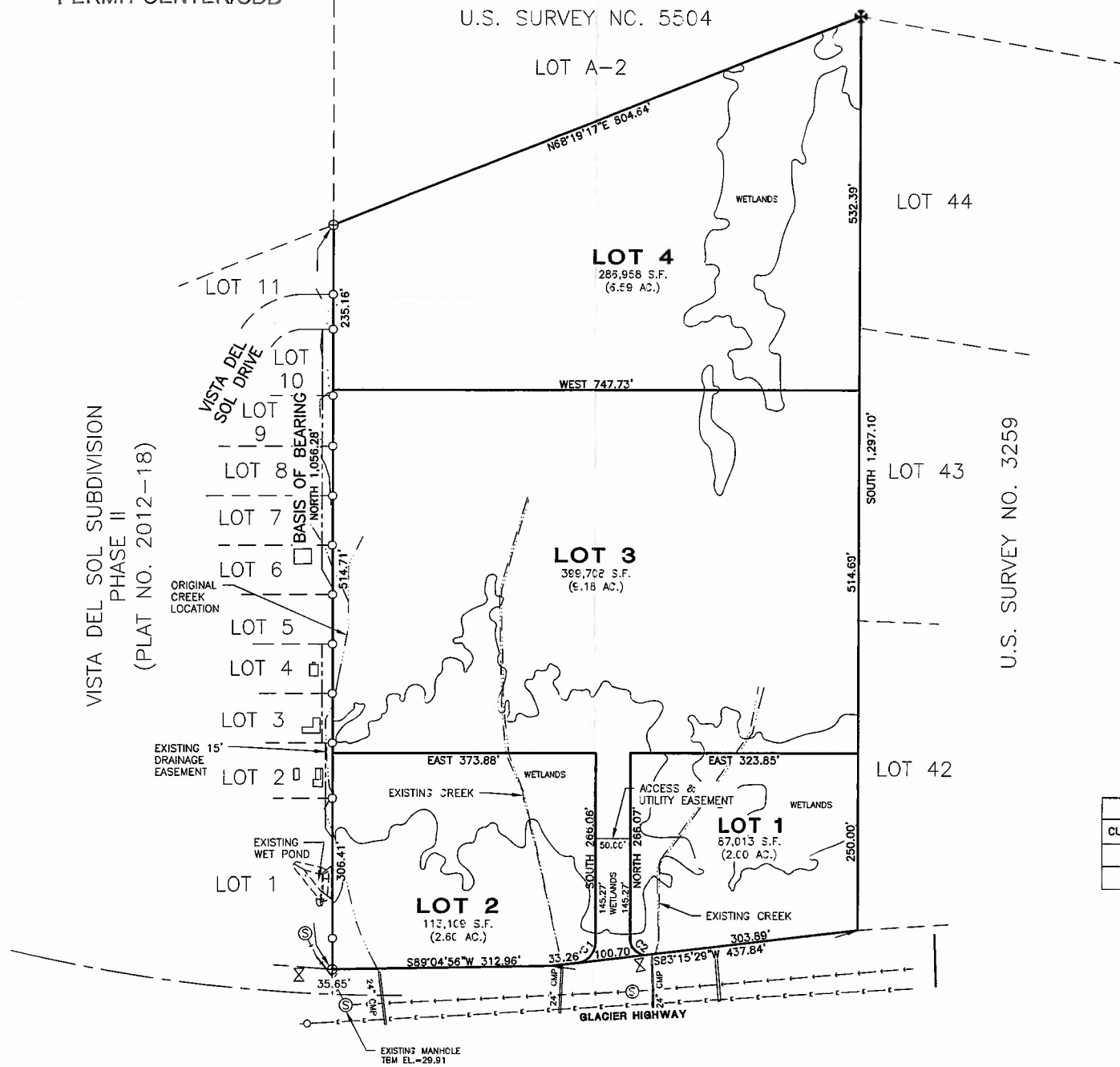
(R1) = AS PER PLAT NO. 95-56

**BASIS OF BEARING**

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF ? FROM A FOUND MONUMENT BEING THE ? CORNER OF LOT ? TO A FOUND MONUMENT BEING THE ? CORNER OF LOT ? AS SHOWN ON RECORD PLAT NO.

RECEIVED  
OCT 16 2015  
PERMIT CENTER/CDD

VISTA DEL SOL SUBDIVISION  
PHASE II  
(PLAT NO. 2012-18)



CURVE TABLE				
CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	96°44'31"	30.00'	46.59'	S41°37'45"W 42.05'
C2	72°22'05"	25.00'	31.58'	N48°22'15"W 29.52'

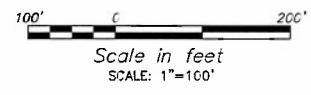
**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

Date \_\_\_\_\_



**J.W. BEAN INC.**  
PROFESSIONAL SURVEYOR  
1070 ARCTIC CIRCLE  
JUNEAU - ALASKA  
(907) 789-0590  
SURVEYOR - PLANNER  
PROJ. \_\_\_\_\_



**NOTES:**

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- WHERE MEASURED BEARING AND/OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT 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 CB. ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

**AN ASBUILT OF TRACT B1**  
U.S. SURVEY NO. 1568  
WITHIN CITY & BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

OWNER:  
R. H. DEVELOPMENT, LLC  
RICHARD A. HARRIS  
OPERATING AGENT  
PO BOX 32403  
JUNEAU, ALASKA 99803

SURVEYOR:  
JW BEAN, INC.  
PROFESSIONAL SURVEYOR  
1070 ARCTIC CIRCLE  
JUNEAU, ALASKA 99801

DATE: 10-15-2015 SCALE: 1"=100' SHEET 1 OF 1

10/15/2015 2:07:08 PM AST  
E:\GDMA\BEAN\HARRIS\13343-HARRIS-4LDT-SUBDD.DWG

MJP 20150001

RECEIVED  
 OCT 16 2015  
 PERMIT CENTER/CDD

- LEGEND**
- ⊕ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
  - ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
  - ⊕ 3" ALUMINUM MONUMENT, T&N ENGINEERING
  - SECONDARY MONUMENT RECOVERED THIS SURVEY
  - REBAR & CAP, SET BY JW BEAN
  - REBAR & CAP, SET BY JW BEAN
  - SURVEYED
  - UNSURVEYED
  - CENTERLINE
  - SURVEY TIE
  - EASEMENT
  - CREEK

(R1) = AS PER PLAT NO. 95-56

**BASIS OF BEARING**

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.



TYPICAL SECONDARY MON.  
 2" ALUMINUM  
 5/8" REBAR, 36" LONG

**CORPORATE OWNERSHIP CERTIFICATE:**

I HEREBY CERTIFY THAT R. H. DEVELOPMENT, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGER/ MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date \_\_\_\_\_, 2015

R. H. DEVELOPMENT, LLC  
 RICHARD A. HARRIS  
 OPERATING AGENT

**NOTARY ACKNOWLEDGMENT:**

STATE OF ALASKA )  
 ) S.S.  
 FIRST JUDICIAL DISTRICT )

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD A. HARRIS, OPERATING AGENT, R. H. DEVELOPMENT, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE 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 \_\_\_\_\_

**CERTIFICATE OF APPROVAL**

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY & BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

Dated: \_\_\_\_\_, 2015.

Attest: \_\_\_\_\_  
 Director  
 City & Borough of Juneau  
 Department of Community Development

Clerk  
 City & Borough of Juneau

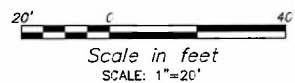
**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 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.

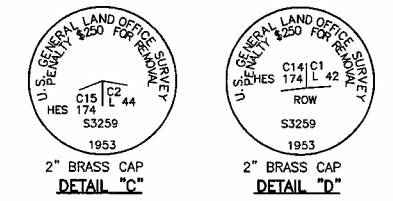
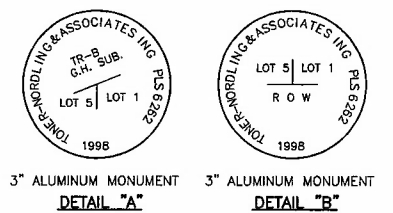
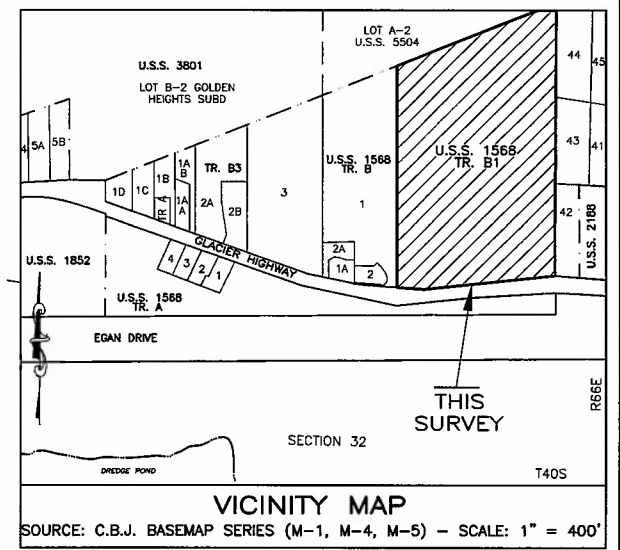
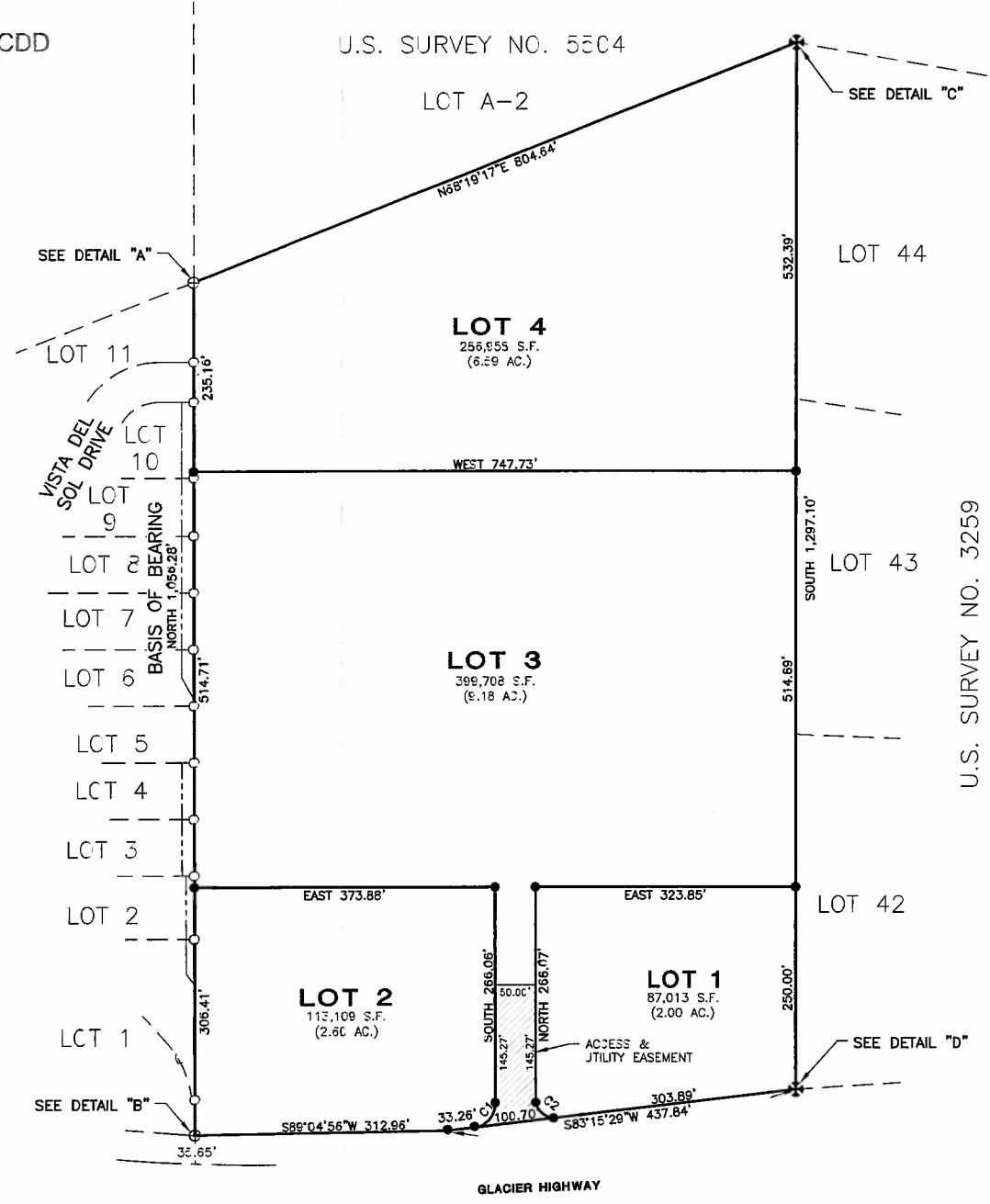
Date \_\_\_\_\_



**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 (907) 789-0590  
 SURVEYOR - PLANNER  
 PROJ:



VISTA DEL SOL SUBDIVISION  
 PHASE II  
 (PLAT NO. 2012-18)



CURVE TABLE				
CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	100°16'02"	25.00'	43.75'	S43°07'33"W 38.38'
C2	72°22'05"	25.00'	31.58'	N48°22'15"W 29.52'

**NOTES:**

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
- THE CN 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.

PLAT OF  
**TRACT B1,  
 LOTS 1, 2, 3 & 4**  
 U.S. SURVEY NO. 1568  
 WITHIN CITY & BOROUGH OF JUNEAU, ALASKA  
 JUNEAU RECORDING DISTRICT

OWNER:  
 R. H. DEVELOPMENT, LLC  
 RICHARD A. HARRIS  
 OPERATING AGENT  
 PO BOX 32403  
 JUNEAU, ALASKA 99803

SURVEYOR:  
 JW BEAN, INC.  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801

DATE: 10-15-2015 SCALE: 1"=100' SHEET 1 OF 1

10/15/2015 2:07:08 PM AST  
 E:\CDMA\BEAN\HARRIS\12343-HARRIS-12343-HARRIS-4.LOT-SUBDIVING

MIP20150001



**City and Borough of Juneau**  
**Community Development Department**  
 155 South Seward Street  
 Juneau, Alaska 99801  
 Telephone: 586-0715 Facsimile: 586-3365

**Project Name:**

Case Number: PAC 20150024

Project Description: Minor Subdivision for residential development

Applicant: Rich Harris, RH Development

Property Owner: RH Development

Property Address: 7400 Glacier Highway

Parcel Code Number: 5B1401010010

Site Size: 19.71

Zoning: D-18

Existing Land Use: Vacant

Conference Date: September 30, 2015

Report Issued: October 29, 2015

**List of attendees**

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Rich Harris	Owner, RH Development	
Laura Boyce	Planner, CBJ	Laura.boyce@juneau.org
Allison Eddins	Planner, CBJ	Allison.eddins@juneau.org
Ron King	Chief Surveyor, CBJ	Ron.king@juneau.org
Eddie Quinto	Permit Specialist, CBJ	Edward.quinto@juneau.org

Neighborhood Association/Contact:

## Conference Summary

### Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

1. **Zoning** – D-18. CBJ Land Use Code requires all lots in a proposed subdivision inside the Urban Service Area to have at least 30 feet of frontage along a publicly maintained right-of-way. The current site plan shows a dead end road proposed off Glacier Highway that would provide access to Lots 1 & 2. CDD would recommend a “hammer head” street design that would provide the 30 feet of frontage required.
2. **Planned Unit Development option** – PUD information as emailed to you by Ms. Boyce on October 1, 2015. The PUD option provides design and use flexibility. The PUD option may let you incorporate commercial uses along with residential uses and may be closer to your original goal to rezone the land to Light Commercial (LC) and D-18. The PUD code section was included in the email. This property meets the minimum lot area requirement in case you'd like to pursue this option.
3. **Setbacks** – Front yard setbacks are 20 feet; rear yard setbacks are 10 feet; side yard setbacks are 5 feet; street side setbacks are 13 feet.
4. **Height** – Maximum height for permissible uses is 35 feet and 25 feet for accessory uses
5. **Parking** – Each single family home and duplex requires 2 parking spaces. For multi family dwelling units 1 parking space for a one bedroom, 1.5 parking spaces for a two bedroom and 2 parking spaces for three or four bedrooms.
6. **Access** – each lot must have its own access to the right-of-way; shared access is not allowed by Code unless a panhandle lot is being created. Currently, any proposed shared access requires variance approval unless it's a panhandle subdivision.
7. **Street connectivity** – The Land Use Code (CBJ 49.35.210 Street system) states that subdivisions shall be designed to provide connectivity into adjacent lands to provide a system of street networks. The Vista Del Sol subdivision provides a stub out to this property and if that stub out will be utilized, it needs to provide connectivity within the proposed subdivision as well as to the adjacent properties to the southeast. Ms. Boyce left a detailed voice mail message to you about this on Thursday, October 1, 2015.

Additionally, in an October 2, 2015 email from Joe Buck at the Department of Transportation & Public Facilities, he states:

*“CBJ laid out the access road to the new PW facility at 7-mile Old Glacier Highway with the intent of it being upgraded in the future to a public street to serve as access to the adjacent double tier of lots owned by Alaska Mental Health Trust (AMHT), US Survey 3259 Lots 33 through 53. Lot 42 of the AMHT lands is just to the east of the large Honsinger property that Mr. Harris is looking to subdivide. The old development plan was for there to be three roads coming off the mountainside onto Glacier Highway; one at approximately the Vista Del Sol location, one through Lot 42, and one at the CBJ PW facility access road. This access road arrangement would space out the major intersections along Old Glacier Highway and would facilitate development of both the private and public lands on the south facing slope of Heitzelman Ridge. Who knows how the development will actually work out, but that is what was discussed starting sometime in the mid-1980's and continued through 2011 when I left the CBJ.*

*The upper terminus of the Vista Del Sol Street is perfectly aligned to provides the necessary cross slope road alignment through the upper portion of the Honsinger property and through the center of the AMHT properties to the CBJ PW Facility access road. At this point*

## Pre-Application Conference Final Report

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*I think it would be a mistake to consider vacation of the street between Lots 10 and 11 of Vista Del Sol because of this needed future access. I should think that Mr. Harris should approach AMHT about constructing a street up the hill though Lot 42 and then doing loops through the Honsinger property instead of cul-de-sacs; better street design for emergency response, snow plowing and maintenance, and for utility configurations.”*

8. **Landscaping** – 30% of vegetative coverage is required in the D18 district
9. **Building** – The applicant is proposing to construct 3 and 4 plexes on each lot.
10. **Fire District** – Fire Marshall comments are coming soon.
11. **Lighting** – Street lights will be addressed with road requirements.
12. **Habitat Issues** – Habitat issues are not known at this time.
13. **Lot Coverage** – A maximum of 50% lot coverage is allowed in a D 18 district.
14. **Traffic** – A traffic impact analysis will be needed because proposed trips will exceed 500 ADT (average daily trips) since there are approximately 18 units per acre for a total of 19 acres. The Applicant will need to obtain a driveway permit from ADOT. Current road requirements call for a minimum of 60 feet for a dedicated right-of-way. Code allows for some reduction in right-of-way width as long as a 26 foot paved travel way is maintained along with sidewalks on both sides and street lighting at all intersections.
15. **Engineering** – See Ron King’s email
16. **Noise** – N/A at this time
17. **Drainage** – There will need to be drainage a 10 foot drainage easement along the western property line. The easement will be privately maintained.
18. **Utilities** – Putting in a 1” water service to Lots 1, 2, & 3 is all that is required at this point. However, installing a 6” pipe would be ideal.
19. **Wetlands** – Wetlands have been delineated and a permit from the Army Corp. of Engineers would be required for any fill activity. The proposed subdivision would go to the Wetlands Review Board for review and recommendations.
20. **Hazard/Avalanche/Hillside Endorsement** – There does not appear to be any hazards and hillside endorsements required for this project.
21. **Flood** – This property is located on FEMA Map 1531D and is not in a mapped flood zone.
22. **Other Agency Reviews** – ADOT, Fire, Wetland Review Board

### List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Minor Subdivision Application

### Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

## Pre-Application Conference Final Report

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2. 5 copies of preliminary plat that measure 24" x 36". (See section 49.15.420 for all submittal requirements)
3. Closure report
4. Army Corp. of Engineers Wetland Permit
5. ADOT Driveway Permit

### **Fee estimates**

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

The fees checked below apply to the subject proposal, and are based upon the fee schedule in effect at the time of the pre-application conference and for the project as submitted. The fees that are applicable to the subject proposal are subject to change if the proposed projects changes and/or if new or additional information is presented after the meeting.

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org](http://www.juneau.org).

### **Submit your completed application**

You must submit your application(s) in person with payment to:

City/Borough of Juneau  
Permit Center  
230 S. Franklin Street,  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715  
Fax: (907) 586-3365  
Web: [www.Juneau.org](http://www.Juneau.org)

09-23-15

WOULD LIKE TO SUBDIVIDE  
TRACT B-1 INTO 13 LOTS  
AS SHOWN FOR RESIDENTIAL  
CONSTRUCTION.

THANK YOU  
TIM PEROV  
RH DEVELOPMENT

LEGEND

- ⊗ PRIMARY MONUMENT RECOVERED THIS SURVEY  
3" ALUMINUM MONUMENT, T&H ENGINEERING
- SECONDARY MONUMENT RECOVERED THIS SURVEY  
REBAR & CAP, SET BY JW BEAN

- SURVEYED
- - - UNSURVEYED
- ===== CENTERLINE
- - - SURVEY TIE
- - - EASEMENT
- - - EASEMENT
- - - WATER LINE
- - - SEWER LINE
- - - ELECTRIC
- - - DRIVEWAY
- - - STORM DRAIN
- ⊙ SANITARY MANHOLE
- ⊗ WATER VALVE
- CLEANOUT
- ⊙ POWER POLE
- ⊙ FIRE HYDRANT

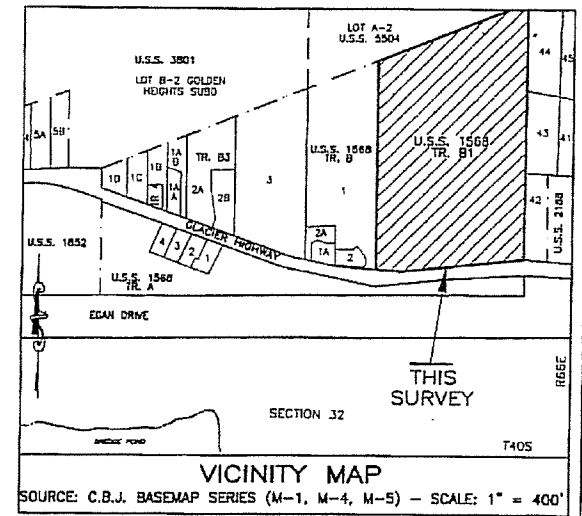
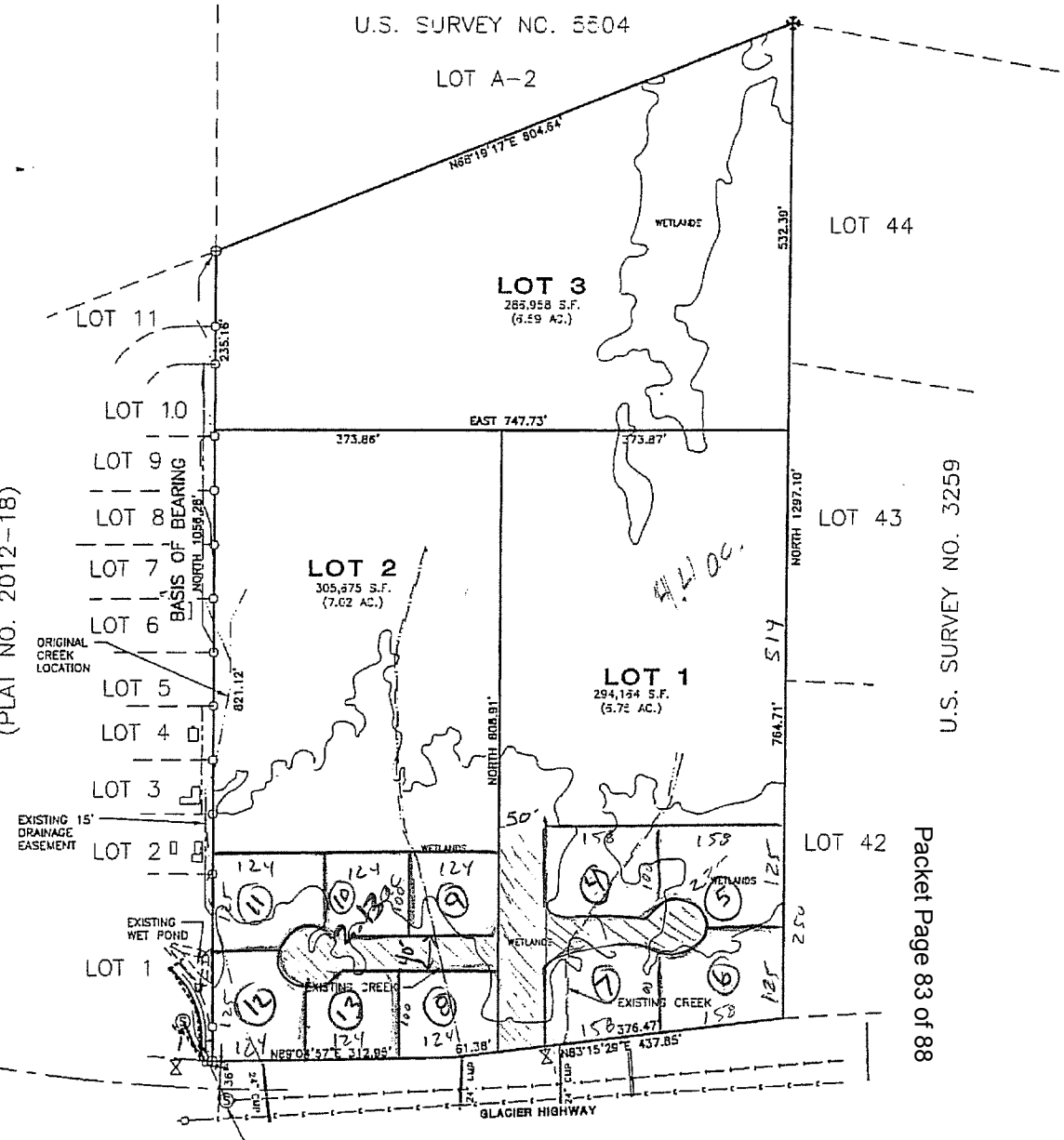
(R1) = AS PER PLAT NO. 95-56

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF ? FROM A FOUND MONUMENT BEING THE ? CORNER OF LOT 7 TO A FOUND MONUMENT BEING THE ? CORNER OF LOT ? AS SHOWN ON RECORD PLAT NO.



VISTA DEL SOL SUBDIVISION  
PHASE II  
(PLAT NO. 2012-18)



VICINITY MAP  
SOURCE: C.B.J. BASEMAP SERIES (M-1, M-4, M-5) - SCALE: 1" = 400'

9/09/2015 3:41:08 PM AST  
E:\DATA\BEAN\HARRIS\13343-HARRIS\13343-SUBDIV-DWG

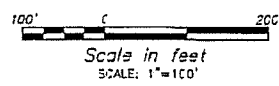
CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

Date \_\_\_\_\_



**J.W. BEAN INC.**  
PROFESSIONAL SURVEYOR  
1070 ARCTIC CIRCLE  
JUNEAU - ALASKA  
(907) 789-0500  
SURVEYOR - PLANNER  
PROJ:



NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
4. WHERE MEASURED BEARING AND/OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESES, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. 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 C.B. ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

AN ASBUIT OF  
TRACT B1  
U.S. SURVEY NO. 1588  
WITHIN CITY & BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

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<b>OWNER:</b> R. H. DEVELOPMENT, LLC RICHARD A. HARRIS OPERATING AGENT PO BOX 32403 JUNEAU, ALASKA 99803	<b>SURVEYOR:</b> JW BEAN, INC. PROFESSIONAL SURVEYOR 1070 ARCTIC CIRCLE JUNEAU, ALASKA 99801
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DATE: 9-09-2015    SCALE: 1"=100'    SHEET 1 OF 1

11/ 7 / 2015

Re: **FILE NO.:** MIP2015 0001

**PROPOSAL:** A Preliminary Plat for a 4-lot minor subdivision at 7400 Glacier Highway

Dear Members of the CBJ Subdivision Review Committee.

Please see our comments below with regard to staffs written concerns.

1. Frontage & Access –

a. The proposed lots do not have access from a publically maintained right-of-way. A variance is needed, which was not submitted with the application.

*We understand a variance may be needed in the future, It makes no sense to file for a Variance at this time, it is standard procedure to file for a variance at the time of development or construction. A variance may not be needed if a street is constructed to CBJ standards; we fully understand that a variance may be needed in the future.*

b. The preliminary plat utilizes access off an unconstructed street (Vista Del Sol), which has not been accepted by the CBJ, and which does not conform to public standards.

*When talking with Ron King regarding Vista Del Sol it was said that The CBJ has Bonding in place to complete any portion of Vista Del Sol that Duran construction has not completed.  
As for the last Portion of Vista Del Sol that leads to our proposed Lot-4, we understand this portion of the street may need to be brought up to CBJ standards and possibly extended including connectivity once this parcel is planned for development, however we have no development plan for this parcel at this time, . If streets are to be planned at a later date CBJ will have control over street design. It seems premature at this time since there are no set development plans for the parcels. Creating street design without a housing development plan would be very burdensome, expensive and could harm or obstruct future development possibilities.*

c. The developer of Vista Del Sol is requesting a vacation of the unconstructed street, therefore eliminating the access and frontage that is intended for Lot 4 on the preliminary plat;

*If CBJ decides to side with Duran Constructions request we the Applicant could access our four lots from Glacier Hwy. eliminating the use of Vista Del Sol entirely. There is plenty of Glacier Hwy. frontage to create the lots utilizing only Glacier Hwy. **See attached sketch.** These lots would not be categorized as Panhandle lots due to the fact they would provide the minimum required lot frontage on an existing maintained road way.*

d. The proposed shared access and utility easement off Glacier Highway is encompassed by a wetland.

*We the applicant have been in discussion with A.C.O.E. and fully understand that an Army Corp. permit for development will be needed.*

e. The design is also significantly different than what was proposed at the pre-application meeting.

*This is true, due to financial reasons; including the high cost of street construction, land, and design we have lessened our plans. The proposed subdivision will allow for housing development on one of the parcels while providing future access to all other parcels.*

2. Connectivity – The preliminary plat does not provide a subdivision street system, further it lacks Connectivity that is most advantageous for development of the entire neighborhood area.

*Regarding 49.35.210 Street Systems: Our understanding of what is written is when a proposed subdivision involves street design and construction, then the street design needs to take connectivity into consideration. Our request does not involve streets. Our subdivision request is utilizing existing street access and utilities. If streets are to be planned at a later date we fully understand and expect to coordinate street design with staff. It would be premature at this time since there are no set development plans for the parcels. Creating street design without a housing development plan could harm or obstruct future development possibilities.*

*It should also be mentioned that all neighboring parcels have existing Old Glacier Hwy. access or frontage.*

We hope you will agree with our proposed plat and thank the Committee in advance for your review, and consideration of our subdivision request.

Unfortunately I will not be able to attend the meeting on November 10<sup>th</sup> , I will be out of Juneau.

John Williams will represent R H Development at this meeting.

Cordially,

Richard Harris

Issues with Staff Report

2<sup>nd</sup> page

**Analysis**

Isn't CBJ 49.15.460 Design –repealed in its entirety on Pg 5 section 10 cjb 49.15 Minor and Major Subdivisions?  
I could not find this in the new Ordinance No. 2015-03 Changes to the Land use code, or in a code search on line.

There is a new section regarding design, see below Division 3. Design, this is copied from Pg.5 of Ordinance No. 2015-03 Changes to the Land use code.

**Section 10. Repeal and Reenactment of Article.** CBJ 49.15, Article IV Minor and Major Subdivisions, is repealed in its entirety and reenacted to read:

**Article IV. Subdivisions**

**Division 1. Permits**

49.15.400 Purpose and applicability.

49.15.401 Minor subdivisions.

49.15.402 Major subdivisions.

49.15.403 Lot consolidations.

49.15.404 Public way vacations.

**Division 2. Plat Requirements**

49.15.410 Sketch plat.

49.15.411 Preliminary plat requirements.

49.15.412 Final plat requirements.

49.15.413 Plat expiration.

49.15.414 Plat effective date.

49.15.415 Recorded plats legalized.

**Division 3. Design**

49.15.420 Lots.

49.15.421 Cul-de-sac lots.

49.15.422 Public use lots.

49.15.423 Panhandle lots.

49.15.424 Access.

**Division 4. Privately Maintained Access in Rights-of-Way**

49.15.430 Purpose.

49.15.431 Application.

49.15.432 Department action.

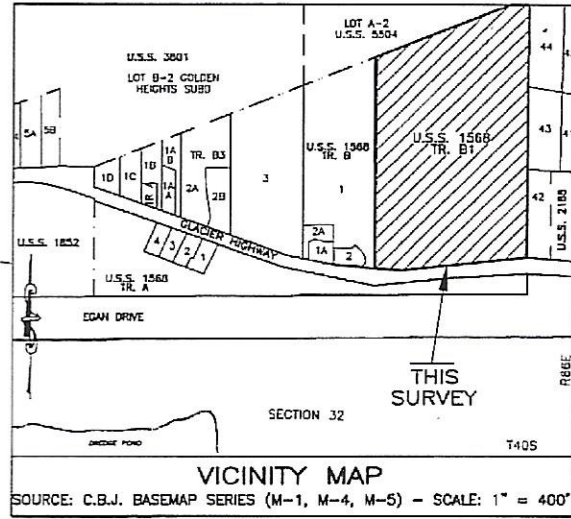
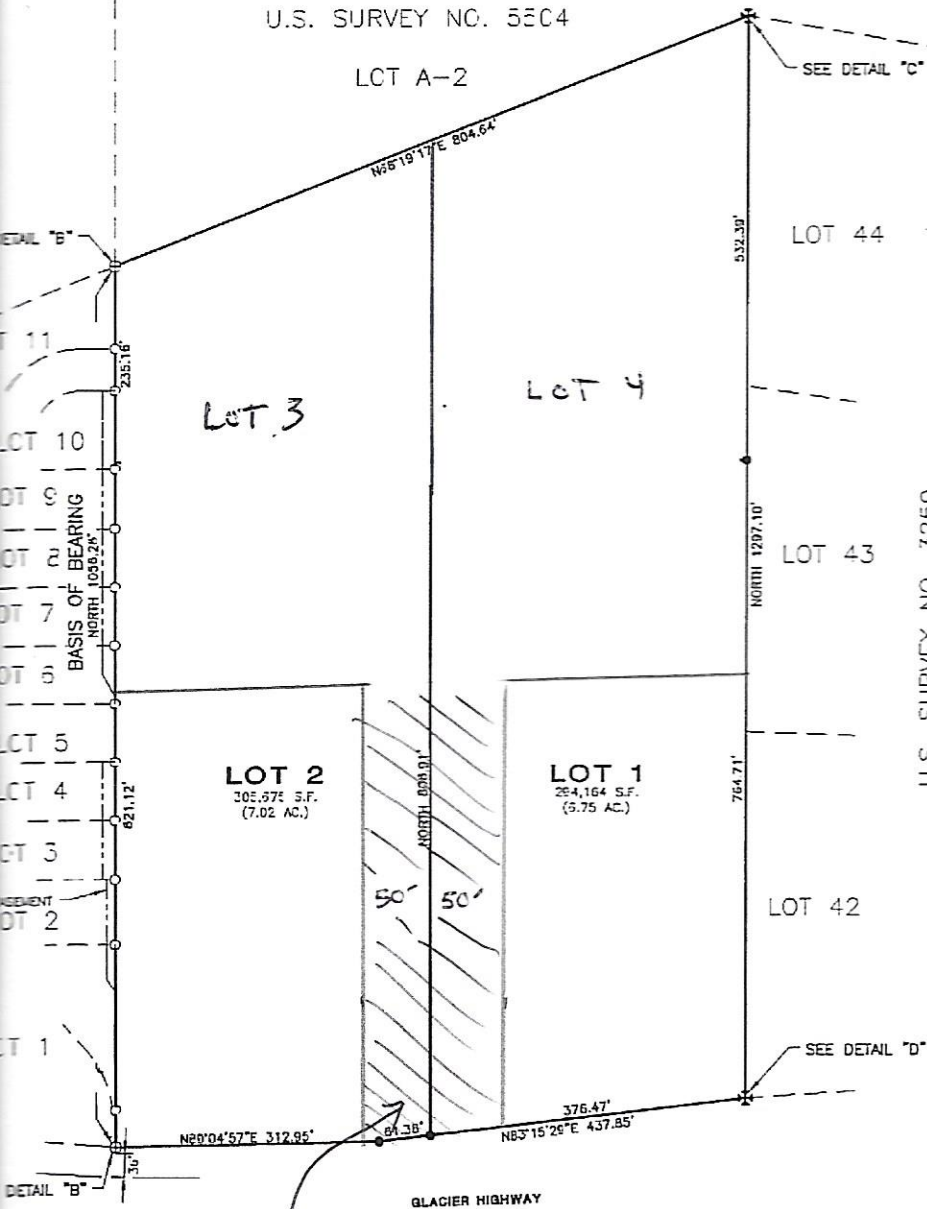
49.15.433 Design criteria.

49.15.434 Access agreement.

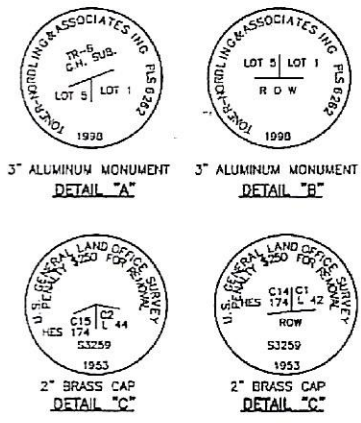
Further, under this same section of the Staff report it stops at (b)

Staff has failed to include (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.

There is a detailed section regarding Access within a ROW. This would all come into play when an application is submitted. At this time we are not asking for access.



VICINITY MAP  
 SOURCE: C.B.J. BASEMAP SERIES (M-1, M-4, M-5) - SCALE: 1" = 400'



UTILITY & ACCESS EASEMENT FOR LOT 1, 2, 3 & 4  
 EACH LOT WOULD HAVE MINIMUM LOT WIDTH

- NOTES:
1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
  2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
  4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
  5. THE CN LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CEJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

PLAT OF  
**TRACT B1,**  
**LOTS 1, 2 & 3, 4**  
 U.S. SURVEY NO. 1568  
 WITHIN CITY & BOROUGH OF JUNEAU, ALASKA  
 JUNEAU RECORDING DISTRICT

OWNER:  
 R. H. DEVELOPMENT, LLC  
 RICHARD A. HARRIS  
 OPERATING AGENT  
 PO BOX 32403  
 JUNEAU, ALASKA 99803

SURVEYOR:  
 JW BEAN, INC.  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801

DATE: 9-09-2015 SCALE: 1"=100' SHEET 1 OF 1

Scale in feet  
 1"=20'

**Jill Maclean**

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**From:** Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>  
**Sent:** Monday, November 09, 2015 8:48 AM  
**To:** Jill Maclean  
**Cc:** Haynes, Emily R (DOT); Epstein, David B (DOT); Stevens, Mike A (DOT); Trousil, Robert E (DOT); Hughes, Andrew N (DOT); Buck, Joseph T (DOT); Schmidt, Joanne M (DOT); Gray, Scott J (DOT)  
**Subject:** RE: Minor Subdivision Review - 7400 Glacier Highway

Jill,

Here is our combined response for Southcoast Region DOT&PF. Please call/email if you have questions.

The Department will require all lots to have a combined access from Glacier Highway. Lots 1 and 2 will need to use this new ROW access. We will not permit additional driveways for those lots.

Additionally, while the current proposal will not trigger the Traffic Impact Analysis (TIA) requirement, we still recommend that the applicant have a Traffic Impact Analysis completed considering future development plans. We note that the final number of units, given the D18 zone, could be as high as 270 and include some commercial use. This could have a significant impact on our highway. In the interest of efficiency and avoidance of potentially expensive rebuild requirements, we recommend that the applicant complete the TIA at this time along with any resulting mitigation recommended in the TIA.

As previously stated, this current proposal does not trigger our TIA requirement, but we do recommend it at this time. If the applicant chooses not to complete the TIA at this time, then the applicant should be aware that future re-subdivision or development will require a new review including a TIA and mitigation at that time.

Finally, for all areas of proposed construction activity that drain towards the DOT&PF ROW, the applicant will need to submit calculations showing that the proposed site conditions will not increase offsite discharges to any DOT&PF infrastructure. In the event that the proposed site conditions will increase offsite discharges to DOT&PF infrastructure, the applicant shall design and implement such Stormwater Best Management Practices that are sufficient to reduce offsite discharges to a level lower than or equal to the existing site conditions.

Thanks for the opportunity to comment.

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

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**From:** Jill Maclean [<mailto:Jill.Maclean@juneau.org>]  
**Sent:** Wednesday, November 04, 2015 1:32 PM  
**To:** Heidemann, Marie E (DOT)  
**Subject:** Re: Minor Subdivision Review - 7400 Glacier Highway